

**In the Matter Of:**

**UNITED STATES vs STATE OF GEORGIA**

1:16-cv-03088-ELR

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**CELEST NGEVE**

*July 15, 2022*

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UNITED STATES vs STATE OF GEORGIA

July 15, 2022

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IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF GEORGIA  
ATLANTA DIVISION

UNITED STATES OF AMERICA, )  
 )  
Plaintiff, ) CIVIL ACTION FILE  
 )  
-vs- ) NO. 1:16-cv-03088-ELR  
 )  
STATE OF GEORGIA, )  
 )  
Defendant. )

- - -

Deposition of CELEST NGEVE, taken on  
behalf of the Plaintiff, pursuant to  
Notice and agreement of counsel, in  
accordance with the Federal Rules of Civil  
Procedure, before Susan M. Shaw, Certified  
Court Reporter, at 1250 Oglethorpe Avenue,  
Athens, Georgia, on the 15th day of July  
2022, commencing at the hour of 9:31 a.m.

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19 Also Present via videoconference:

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24 Renee Wohlenhaus, Esq.  
Sandra LeVert  
Amy McCart

25 - - -

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1 (Disclosure as required by the Georgia  
2 Board of Court Reporting is attached hereto.)

3 THE VIDEOGRAPHER: This is the video  
4 deposition of Celest Ngeve, taken in the matter  
5 of the United States of America versus State of  
6 Georgia. Today's date is July 15th, 2022. The  
7 time on record is 9:31.

8 My name is Eric George. I am the  
9 videographer. The court reporter is Susan  
10 Shaw.

11 Counsel, please introduce yourselves,  
12 after which the court reporter will swear in  
13 the witness.

14 MS. WOMACK: Kelly Gardner Womack for the  
15 United States.

16 MR. MURPHY: Dan Murphy for Rutland  
17 Academy.

18 THE VIDEOGRAPHER: Co-counsel on the Zoom,  
19 can you introduce yourself, please.

20 MS. EDMONDSON: Anna Edmondson on behalf  
21 of the State, as well as Melanie Johnson and  
22 Danielle Hernandez.

23 CELEST NGEVE,  
24 being first duly sworn, was examined and  
25 testified as follows:

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EXAMINATION

BY MS. WOMACK:

Q Good morning, Ms. Ngeve.

A Good morning.

Q My name is Kelly Gardner, and I represent the United States. I'm going to be taking your deposition today.

Would you please state your full name for the record.

A Celestina Etonde Ngeve.

Q Ms. Ngeve, have you ever been deposed before?

A Yes.

Q How many times have you been deposed?

A Once, a year ago.

Q Okay. And that deposition that you had a year ago -- what was that deposition in connection with?

A A former employee.

Q So it was a -- a court matter involving a former employee of Rutland Academy?

A Correct.

Q Okay. Am I correct that you are being represented by Mr. Murphy for purposes of your deposition today?



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1 A Yes.

2 Q I'm sure that your attorney has explained  
3 much of this. You and I are going to have a  
4 question today. I am going to ask the questions,  
5 and your only job is to answer them honestly and  
6 completely. Okay?

7 A Okay.

8 Q The court reporter has sworn you in. That  
9 means that everything you say here today is under  
10 oath and must be truthful. Do you understand that?

11 A Yes.

12 Q Because the court reporter is creating a  
13 transcript, there are a couple of things that you  
14 and I will need to do in order to make sure that  
15 transcript is clear.

16 The first thing is that she can't record a  
17 shake of your head or a nod; so I'm going to ask you  
18 to give oral answers. Okay?

19 A Okay.

20 Q And the other thing that we will need to  
21 do is to avoid talking over one another. Do you  
22 understand that?

23 A I do.

24 Q If at any point you don't understand a  
25 question, please let me know; and I will do my best

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1 to rephrase. Okay?

2 A Okay.

3 Q Is there any reason you can think of today  
4 why you will not be able to answer my questions  
5 completely and truthfully?

6 A No.

7 Q Do you have any questions for me before we  
8 proceed?

9 A No.

10 Q Ms. Ngeve, did you do anything to prepare  
11 for today's deposition?

12 A Yes.

13 Q And what was that?

14 A I prayed, meditated, thought about my  
15 students, as well as talked to my counsel.

16 Q So you met with counsel?

17 A I did.

18 Q When did you meet with counsel?

19 A On Wednesday and on yesterday.

20 Q And how long did you meet with counsel on  
21 Wednesday?

22 A Two hours.

23 Q How long did you meet with counsel  
24 yesterday?

25 A Ten minutes.

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1 Q Did you talk to anyone other than your  
2 counsel about today's deposition?

3 A Yes.

4 Q And who did you talk to about the  
5 deposition?

6 A I talked to another -- I talked to other  
7 GNETS directors.

8 Q And when did you talk to other GNETS  
9 directors about your deposition?

10 A Wednesday.

11 Q Which GNETS directors did you talk to?

12 A Talithia Newsome.

13 Q Anyone else?

14 A No.

15 Q The conversation that you had with  
16 Ms. Newsome -- was that just a conversation between  
17 the two of you?

18 A No.

19 Q Who else was present for that  
20 conversation?

21 A My counsel.

22 Q What did you and Ms. Newsome discuss?

23 A How her deposition went and things of that  
24 nature. How it went and how long it went and things  
25 of that nature.

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1 Q What did Ms. Newsome tell you?

2 A That the full time was utilized and to be  
3 prepared for the full time to be utilized and that,  
4 you know -- things of that nature as far as the time  
5 frame.

6 Q Did you discuss the specific questions  
7 that Ms. Newsome was asked in her deposition?

8 A Some, yes.

9 Q And tell me about that discussion.

10 A Just questions as it related to, you know,  
11 what kind of things to expect, not necessarily all  
12 the details but necessarily just what to expect, you  
13 know, as related to the things that might be --  
14 might be brought up. She couldn't speak to what  
15 might be -- what might be discussed at my deposition  
16 but just as far as, like, you know, the things that  
17 we have been preparing for, such as the subpoena and  
18 things of that nature, the documents.

19 Q Mm-hmm.

20 A But she couldn't give me real clear  
21 specifics beyond just the basic of some of the  
22 things that -- that came up.

23 Q And after your conversation with  
24 Ms. Newsome, what were your primary takeaways about  
25 the things that had been asked during her

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1 deposition?

2 A Just to be prepared for the time frame and  
3 just to be prepared to speak about all the good work  
4 we do with the cool kiddos here, pretty much.

5 Q Okay. Did you review any documents in  
6 preparation for today's deposition?

7 A I did.

8 Q Were those documents you reviewed  
9 independently, or were those documents shown to you  
10 by counsel?

11 A I reviewed them -- I reviewed them with  
12 counsel but not shown to me by counsel but reviewed  
13 them with counsel.

14 Q So you went through the documents during  
15 your meeting with counsel?

16 A Correct.

17 Q Okay. Anything else -- did you do  
18 anything else to prepare for today's deposition that  
19 we have not discussed yet?

20 A No.

21 Q Did you discuss today's deposition with  
22 anyone other than your counsel and Ms. Newsome?

23 A No.

24 Q Okay. Ms. Ngeve, I am going to hand you  
25 what has been marked by the court reporter as

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1 Plaintiff's Exhibit 209. Am I correct that this  
2 is a subpoena to testify at a deposition in a civil  
3 action?

4 A Yes.

5 Q And is this subpoena directed to Celest  
6 Ngeve?

7 A Yes.

8 Q That's you?

9 A Yes.

10 Q Have you seen this document before?

11 A Yes.

12 Q And when did you see this document?

13 A I don't recall exactly when I saw it.

14 Q But you have seen it before?

15 A Yes.

16 Q The top of this document has the case name  
17 United States v. Georgia. Do you see that?

18 A Yes.

19 Q Do you understand that this deposition is  
20 being taken in connection with litigation against  
21 the State of Georgia?

22 A Yes.

23 Q And do you understand that the litigation  
24 relates to the Georgia Network for Educational and  
25 Therapeutic Support program?

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1 A Yes.

2 Q Are you aware that that program is more  
3 commonly referred to as the GNETS program?

4 A Yes.

5 Q So if I use the term "GNETS," you will  
6 understand that to mean the Georgia Network for  
7 Educational and Therapeutic Support program?

8 A Yes.

9 Q When did you first learn of this  
10 litigation?

11 A I don't recall when I first learned about  
12 it.

13 Q Do you have a rough time frame? Was it  
14 recently? years ago? months ago?

15 A Years ago.

16 Q Years ago? How did you first learn about  
17 the litigation?

18 A I don't recall how I first learned about  
19 it.

20 Q What is your understanding of the nature  
21 of the lawsuit?

22 A That the lawsuit is -- is in reference to  
23 concerns about the way students are served in  
24 special education through GNETS.

25 Q And do you have any understanding of what

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1 those concerns about the way students are served  
2 are?

3 A Yes.

4 Q What do you understand those concerns to  
5 be?

6 A That students are not with their general  
7 education peers participating in activities and  
8 things of that nature within the traditional school  
9 setting and that students are basically just not  
10 with the -- the general education population as a  
11 whole.

12 Q Any other concerns?

13 A Also that students potentially are  
14 possibly not getting the same type of academic --  
15 well, extracurricular activities as well as academic  
16 activities that GNETS students or students in  
17 special education get in a traditional school  
18 setting.

19 Q Okay. Any concerns apart from those?

20 A No. That's the general -- my general  
21 understanding.

22 Q Okay. In the course of this lawsuit, did  
23 the Rutland GNETS program receive a subpoena from  
24 the United States requesting that Rutland provide  
25 certain documents about its regional GNETS program?



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1 A Yes.

2 Q Were you involved in responding to that  
3 subpoena?

4 A Yes.

5 Q What role did you play?

6 A Gathering the documents that were  
7 requested.

8 Q So I take it that you're familiar with the  
9 documents that were collected and produced in  
10 response to the subpoena, then?

11 A Yes.

12 Q Is it fair to say that you are also  
13 familiar with GNETS?

14 A Yes.

15 Q When did you first become acquainted with  
16 the GNETS program?

17 A 2007.

18 Q And how did you become acquainted with the  
19 GNETS program in 2007?

20 A Initially as a therapist that was  
21 providing supports, therapeutic services, to  
22 students that were attending GNETS at Rutland  
23 Academy.

24 Q So you first became familiar with GNETS as  
25 a therapist supporting students at Rutland Academy?

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1 A That's correct.

2 Q What is the GNETS program?

3 A The most amazing program in the universe  
4 for the coolest kiddos, serving students that  
5 have -- that are in special education that, even  
6 after many interventions and strategies have been  
7 exhausted and tried in a traditional school setting,  
8 they just are not responding to those -- those --  
9 those strategies and interventions, and they just  
10 need additional support with coping skills and  
11 learning social skills to make them successful in  
12 all academic settings as well as nonacademic  
13 settings.

14 And it helps students really be able to become  
15 their own risk managers and transition back to a  
16 traditional school setting.

17 Q How is the GNETS program structured from a  
18 state-wide perspective?

19 A Can you clarify what you mean on how it's  
20 structured?

21 Q So you have discussed Rutland Academy  
22 here. Are there other GNETS programs in other parts  
23 of the state?

24 A There are.

25 Q How many other -- or how many GNETS

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1 programs total are there across the state?

2 A Twenty-four.

3 Q Do those 24 GNETS programs serve differing  
4 geographic regions of the state?

5 A Yes.

6 Q And so Rutland is one of the 24 regional  
7 GNETS programs across the state of Georgia?

8 A Yes.

9 Q I may use some acronyms today for brevity  
10 and to sort of move along our discussion. I want to  
11 run through a few of them now to make sure that you  
12 and I are on the same page about those. Okay?

13 A Okay.

14 Q If I use the term "Georgia DOE," do you  
15 understand that to be the Georgia Department of  
16 Education?

17 A Yes.

18 Q If I use the term "LEA," do you understand  
19 that to be a local education agency?

20 A Yes.

21 Q If I use the term "RESA," do you  
22 understand that to be a regional educational service  
23 agency?

24 A Yes.

25 Q If I use the term "GNETS centers," do you

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1 understand that to mean a stand-alone GNETS  
2 location?

3 A Yes.

4 Q If I use the term "GNETS school-based  
5 locations," do you understand that to mean a GNETS  
6 location that is physically housed in a general  
7 education building?

8 A Yes.

9 Q If I use the term "PBIS," do you  
10 understand that to mean positive behavioral  
11 interventions and supports?

12 A Yes.

13 Q If I use the term "EBD," do you understand  
14 that to mean emotional and behavioral disabilities?

15 A Yes.

16 Q And if I use the term "general education  
17 settings," do you understand that to mean public  
18 schools in Georgia where children with EBD or other  
19 behavioral health conditions receive instruction and  
20 services alongside children who do not have  
21 disabilities?

22 A Yes.

23 Q Ms. Ngeve, do you hold any educational  
24 degrees?

25 A Yes.

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1 Q What are they?

2 A I have a master's degree in curriculum and  
3 instruction.

4 Q When did you receive that master's degree?

5 A The year is escaping me right now. I  
6 don't recall right off.

7 Q Okay.

8 A Sorry.

9 Q I am going to hand you what has been  
10 marked by the court reporter as Plaintiff's Exhibit  
11 210. Ms. Ngeve, do you recognize this document?

12 A Yes.

13 Q What is this?

14 A It's my curriculum vitae.

15 Q Okay. We were discussing the master's  
16 that you hold in curriculum and instruction, and I  
17 was asking you the year that you received that.  
18 Does this document help refresh your recollection  
19 about the year that you received that master's  
20 degree?

21 A Yes.

22 Q When was that?

23 A 2006.

24 Q Where did you receive that degree from?

25 A American Intercontinental University.

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1 Q Do you hold any other degrees apart from  
2 that master's degree?

3 A Yes.

4 Q And what are those other degrees?

5 A A bachelor of science for psychology, and  
6 I'm -- and I'm currently in the process of another  
7 degree.

8 Q The bachelor's degree -- when did you  
9 receive that?

10 A 2004.

11 Q And where did you receive that degree  
12 from?

13 A Albany State University.

14 Q You mentioned that you're currently in the  
15 process of obtaining a third degree; is that  
16 correct?

17 A That's correct.

18 Q What degree is that?

19 A Doctor -- educational leadership  
20 doctorate.

21 Q And where are you studying for your  
22 educational leadership doctorate?

23 A UGA, University of Georgia.

24 Q Do you have an anticipated completion  
25 date?

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1 A Yes.

2 Q When is that?

3 A May 2023.

4 Q Ms. Ngeve, do you hold any other -- any  
5 professional licenses apart from your educational  
6 degrees?

7 A License, no. It's mainly for education.

8 Q When you say it's mainly for education,  
9 what do you mean?

10 A Certifications like for education, yes.

11 Q Okay. Tell me about the certifications  
12 for education you have.

13 A I have Education Leadership, Tier 1. I  
14 have Special Education Science Cognitive Level, P-5,  
15 4-8, 6-12. I have Special Education Language Arts  
16 Cognitive Level, P-5, 4-8. I have Special Ed  
17 General Curriculum, P-12, Consultative. I have  
18 Middle Grades 4 through 8, Language Arts; and Middle  
19 Grades, 4 through 8.

20 Q And am I correct in understanding those  
21 are the areas in which you are certified?

22 A That's correct.

23 Q Okay. Are you currently director of the  
24 Rutland GNETS program?

25 A Yes.

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1 Q And is that GNETS program also known as  
2 the Rutland Academy?

3 A Yes.

4 Q How long have you been the GNETS director  
5 at Rutland Academy?

6 A 2018, since 2018.

7 Q Okay. So approximately four years?

8 A Correct.

9 Q To whom do you report directly?

10 A The executive director at Northeast  
11 Georgia RESA.

12 Q And what is that person's name?

13 A Laurie Allison.

14 Q How long has Ms. Allison been the  
15 executive director at Northeast Georgia RESA?

16 A Three months.

17 Q Who preceded her as executive director of  
18 that RESA?

19 A Keith Everson.

20 Q So I take it you reported to Mr. Everson  
21 before Ms. Allison?

22 A Correct.

23 Q Does anyone report to you in your capacity  
24 as director of Rutland Academy?

25 A Yes.



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1 Q How many people report to you?

2 A Twenty-six.

3 Q Is that generally all of the staff at  
4 Rutland Academy?

5 A Yes.

6 Q Does that include anyone not on staff at  
7 Rutland Academy?

8 A No.

9 Q What are your duties as GNETS director?

10 A Supervision of students; supervision, of  
11 course, support for staff; implementing,  
12 coordinating, supervising GNETS services and staff;  
13 administering programs, including preparation,  
14 accountability, and budgets; staff recruitment;  
15 selection and assignments and recommendations for  
16 staff; supervising staff workloads; supporting  
17 student educational programs; supporting student  
18 growth; maintaining a system of program  
19 accountability; developing and implementing plans  
20 for continuous improvement; and assuring that  
21 educational and therapeutic components of the  
22 program are being implemented and that progress is  
23 achieved; and overseeing and evaluating GNETS for  
24 the curriculum and in the therapeutic setting; as  
25 well as communicating with all 13 of our LEAs and

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1 reporting to them and keeping them updated on  
2 changes and trends that are happening within Rutland  
3 Academy.

4 Q Okay. So am I correct in understanding  
5 from what you just said that one of your  
6 responsibilities is supervising and supporting  
7 students?

8 A Absolute -- yes.

9 Q Do you supervise or support students  
10 outside of the Rutland Academy environment?

11 A I don't supervise students outside of  
12 Rutland Academy, but I do support students outside  
13 of Rutland Academy.

14 Q In what way do you support students  
15 outside of Rutland Academy?

16 A GNETS directors provide consultative  
17 services to the 13 -- to the school systems in which  
18 they serve; so those include going out to observe  
19 students in other -- in other schools and providing  
20 recommendations, therapeutic recommendations in  
21 order to make the classroom structure better or in  
22 ways to support the teachers as they support the  
23 students. Behavior intervention planning,  
24 functional behavior assessment planning, and just  
25 different ways of just making sure that those

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1 students have better therapeutic services within the  
2 school settings.

3 Q Okay. When you say behavioral  
4 intervention planning and functional behavioral  
5 assessment, do you complete those for students in  
6 environments outside of Rutland Academy?

7 A No, I don't complete them, but I assist.

8 Q You assist others in completing them?

9 A That's correct.

10 Q Are the other people who you assist in  
11 completing behavioral intervention plans and  
12 functional behavioral assessments personnel  
13 operating within other school systems?

14 A Yes.

15 Q And would those be the 13 LEAs that you  
16 referenced earlier?

17 A Yes.

18 Q In terms of how you support students  
19 within Rutland Academy, what does that involve?

20 A Many things. Some of those things include  
21 therapeutic walks, talking to them about their  
22 progress, helping them understand their goals and  
23 objectives and how they're doing with mastering  
24 their goals.

25 Sometimes helping with crisis de-escalation,

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1 helping them understand that that one particular  
2 moment doesn't have to define their entire day.

3 Helping them through suicidal ideation as well  
4 as homicidal ideation when they're feeling like they  
5 have a plan that they want to carry through, as well  
6 as contacting, at times, crisis units that may have  
7 to support them beyond the school setting.

8 But also talking to them, providing PBIS  
9 supports, going in and doing pop-up surprises just  
10 to let them know that we see them doing great  
11 things, just as a random moment to see that they're  
12 mastering the skills and objectives, as well as just  
13 to really -- just talking to them, greeting them on  
14 an every-morning basis, talking to them about what  
15 kind of things they're having difficulty with and  
16 what kind of things they need more support with, but  
17 also at times providing support with them after they  
18 have met with their therapist. Sometimes their  
19 therapist does a great session, and sometimes  
20 they're more challenging for them afterwards.

21 Q Mm-hmm. In terms of how your time as  
22 director is divided, what percentage of your time  
23 would you say is spent managing and supervising  
24 Rutland Academy versus providing the support that  
25 you discussed earlier to students that are still in

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1 general education settings in one of the 13 LEAs  
2 that you referenced?

3 A That varies. It's not always exactly the  
4 same. It's kind of month to month, based on what  
5 LEAs are needing additional support. Mostly it's 85  
6 percent here in the building with the students, 15  
7 percent in the districts. But there -- there are  
8 months where there may be additional supports needed  
9 in districts. There may be a little more time, you  
10 know, going out to them as well.

11 Q And on months where it's more time going  
12 out to local school districts, what would you say  
13 that split looks like?

14 A About 75 percent in the building and then  
15 25 percent out in the district, supporting them.

16 Q Okay. As director of Rutland Academy, do  
17 you participate in any regularly scheduled meetings  
18 apart from IEPs, IEP meetings?

19 A Yes.

20 Q What are those regularly scheduled  
21 meetings that you participate in as director?

22 A Will you clarify on, like, the type of --  
23 like, what you're asking me exactly?

24 Q Sure. I'm trying to understand if there  
25 are individuals that you meet with regularly in the

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1 course of executing your duties as director of  
2 Rutland Academy; so that might be personnel from  
3 LEAs, personnel from the state, personnel from the  
4 RESA. Just trying to get a sense of if there are  
5 recurring meetings that you participate in in your  
6 role as director.

7 A Yes, absolutely. Thank you for that  
8 clarification.

9 Monthly we meet for LSEAC, which is a local  
10 special education agency. We meet with the  
11 coordinators and directors of all the 13 districts,  
12 and we meet and, you know, talk about different  
13 things that are going on with each one of the  
14 districts but also provide an update and report to  
15 them about the number of students, the number of  
16 staff, any additional supports that are needed. So  
17 that's provided on a monthly basis. We have that  
18 meeting every month.

19 There are also GNETS directors' meetings that I  
20 attend and participate in, and those are -- it's  
21 usually bimonthly -- well, that can vary. It could  
22 be monthly or bimonthly. Just kind of depends on  
23 different things that are happening, but it's  
24 normally definitely bimonthly we're meeting with  
25 GNETS directors.

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1 Other meetings are not always as consistent,  
2 so -- but there are -- I'm always participating in  
3 different types of meetings, but those are the ones  
4 that are the most consistent as far as a monthly or  
5 a bimonthly meeting.

6 Q Okay. So the first of those, kind of,  
7 regular meetings you said is the LSEAC?

8 A LSEAC, L-S-E-A-C, local special -- special  
9 education agency coordinators, I believe.

10 Q Okay. And you said that the coordinators  
11 and directors of all 13 LEAs participate in that  
12 meeting?

13 A Yes.

14 Q And when you say coordinators and  
15 directors, are you talking about the coordinators  
16 and directors of special education for those 13  
17 LEAs?

18 A Yes.

19 Q And then you participate in those  
20 meetings?

21 A Yes.

22 Q Does anyone else participate in those  
23 meetings?

24 A Beyond the -- the other participants from  
25 the districts? Also my -- our executive director,

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1 Laurie Allison, participates in those and Northeast  
2 Georgia RESA staff.

3 Q Okay. So the executive director and  
4 Northeast Georgia RESA staff also participate in the  
5 LSEAC?

6 A Yes.

7 I need to also add something to that question,  
8 if I may.

9 Q Mm-hmm.

10 A I also participate in weekly HR meetings  
11 with human resources from different -- from the 13  
12 districts. Those are weekly meetings. And I also  
13 participate in curriculum directors' meetings that  
14 are monthly as well.

15 Q Okay. So I believe the second set of  
16 recurring meetings that you discussed are meetings  
17 with other GNETS directors; is that right?

18 A That is correct.

19 Q And you said those meetings occur on a  
20 bimonthly basis?

21 A Yes.

22 Q Have those meetings always occurred on a  
23 bimonthly basis?

24 A No.

25 Q If there has been some change in the



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1 frequency, how has that looked over time?

2 A It used to be monthly. However, now it's  
3 been bimonthly since the pandemic.

4 Q Okay. So the GNETS directors' meetings  
5 were monthly before the pandemic and bimonthly  
6 during the pandemic we're in now?

7 A Correct.

8 Q Who attends the GNETS director meetings?

9 A GNETS directors and the program manager  
10 and coordinator for GNETS as well.

11 Q When you say program manager and  
12 coordinator for GNETS, are those two separate  
13 people?

14 A Yes.

15 Q Who is the program manager for GNETS?

16 A Vickie Cleveland.

17 Q Okay. And the second position that you  
18 referenced was -- is that the program coordinator?

19 A Yes.

20 Q And who is that person?

21 A LaKesha Stevenson.

22 Q Are Ms. Cleveland and Ms. Stevenson with  
23 the Georgia DOE?

24 A Yes.

25 Q Does anyone else attend the GNETS

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1 director -- directors' meetings apart from the GNETS  
2 directors and then Ms. Cleveland and Ms. Stevenson?

3 A Not consistently.

4 Q Okay. In situations where there may be  
5 other participants who are not consistent  
6 participants, what are the sorts of -- who are the  
7 sorts of folks that might show up at those meetings?

8 A The i-Ready coordinator may come because  
9 we all participate. We all utilize i-Ready; so they  
10 may be giving us updates on trends and different  
11 things that are happening with i-Ready, which is a  
12 supplemental curriculum that assists our -- our  
13 students with their -- their educational goals and  
14 things of that nature, so i-Ready.

15 There's -- there's been times also where  
16 there's other -- they may have someone present to us  
17 that are providing, like -- that may tell us about  
18 different therapeutic models and different things  
19 that we can implement within our program, as well as  
20 they have done amazing work with having people from  
21 trauma -- teach us more about trauma-informed care  
22 and just other therapeutic strategies that help  
23 support our students.

24 Q Okay. The i-Ready coordinator that you  
25 mentioned -- who is that -- what company or entity

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1 is that person affiliated with?

2 A i-Ready.

3 Q i-Ready is its own company?

4 A I don't know what -- anything beyond that,  
5 but I know it's i-Ready.

6 Q Okay. And then in terms of people who  
7 come in to share about therapeutic models, what  
8 kinds of people come in to share about therapeutic  
9 models?

10 A Facilitators of those particular programs  
11 or those that have created those particular  
12 programs.

13 Q And is the same true for trauma-informed  
14 care?

15 A That's correct.

16 Q Is there somebody who coordinates bringing  
17 in these sort of intermittent participants?

18 A I'm not sure who or -- I'm sure someone  
19 does. I'm not sure beyond that, though.

20 Q Okay. Is there somebody who facilitates  
21 the GNETS director meetings?

22 A Yes.

23 Q Who does that?

24 A Vickie Cleveland as well as LaKesha  
25 Stevenson.

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1 Q Do they organize in terms of setting the  
2 dates for the meetings as well?

3 A Yes.

4 Q You said the meetings, since the pandemic  
5 started, have been bimonthly; correct?

6 A Yes.

7 Q Do those meetings occur in person or  
8 virtually?

9 A We have had them virtual. We have also  
10 had them in person, so --

11 Q So it's been a mix?

12 A Yes.

13 Q Prior to the pandemic, were the meetings  
14 in person or virtual?

15 A In person.

16 Q And that was when they were monthly?

17 A Yes.

18 Q And those in-person meetings -- did they  
19 occur in a consistent physical location?

20 A No, it wouldn't always be the same  
21 location.

22 Q So location would move?

23 A Correct.

24 Q Were -- in terms of what those locations  
25 were, were those locations spread out across the

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1 state, or were they centralized in a particular  
2 geographic region?

3 A They were spread out.

4 Q You added a couple additional regular  
5 meetings. You said you meet -- you participate in  
6 HR meetings with local school districts?

7 A Yes.

8 Q And how often was that, again?

9 A Weekly.

10 Q And who attends those meetings?

11 A HR directors from 13 -- all 13 school  
12 systems.

13 Q What do you all discuss during those  
14 meetings?

15 A Ongoing trends with human resources,  
16 staffing, hiring.

17 Q Do you report out as well?

18 A No.

19 Q So you're just in sort of listening mode  
20 at those meetings?

21 A Mostly.

22 Q In terms of your participation in those  
23 weekly HR meetings, what is your goal in attending  
24 those meetings?

25 A Having a good understanding of ongoing

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1 trends that are -- and things that are changing in  
2 HR, how other districts are -- are handling staffing  
3 shortages, what agencies they may be using as far as  
4 hiring needs and things of that nature, and to just  
5 stay abreast on ongoing things that are changing  
6 with human resources.

7 Q Mm-hmm. What do you do with that  
8 information once you obtain it at those meetings?

9 A At times I utilize some of the information  
10 to help me with my staffing shortages or contact  
11 different staffing agencies or at times talk to my  
12 executive director or our HR about different things  
13 that were discussed in the call and if that's  
14 something that maybe we could pursue --

15 Q Okay.

16 A -- utilizing.

17 Q All right. Okay. So it sounds like  
18 there's some kind of cross-sharing of information  
19 and you gather best practices that you might be able  
20 to implement in your own hiring?

21 A That's correct.

22 Q Then the other regularly, sort of,  
23 occurring meeting that you mentioned are  
24 curricular -- curriculum director meetings?

25 A Yes.

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1 Q And you said those occur monthly?

2 A Yes.

3 Q And tell me about those meetings.

4 A Those meetings are curriculum directors  
5 from all 13 districts, and they're talking about  
6 different things they're utilizing as far as new  
7 curriculum. They also have different speakers or  
8 presenters that share new information about new  
9 curriculum trends and -- as well as when standards  
10 are changing and how they're going to address those  
11 standards changing and things of that nature; so  
12 academic strategies and interventions are shared and  
13 discussed.

14 Q Okay. And in attending those meetings,  
15 sort of what is your goal in attending those  
16 meetings?

17 A To make education the best I can for my  
18 students. If there's something new that's happening  
19 that districts are using or a new model that I'm --  
20 I was going to -- go -- go research it myself and  
21 find out how I can utilize it if we -- that's  
22 something we want to utilize that can help our  
23 students be more successful academically.

24 Q So is this similar to the HR directors'  
25 meetings in that it's an opportunity, you know, for

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1 some cross-pollination and for you to identify best  
2 practices or to get additional information that you  
3 then can consider in your own work at Rutland  
4 Academy?

5 A Yes, that's correct.

6 Q Were you already on staff at the Rutland  
7 Academy GNETS program when you became director?

8 A Yes.

9 Q And I believe you said earlier that you  
10 were first acquainted with the GNETS program by  
11 becoming a therapist at Rutland in 2007; right?

12 A I wasn't a therapist at Rutland. I served  
13 students that went to Rutland --

14 Q Okay.

15 A -- as a therapist.

16 Q You were a therapist who served students  
17 at Rutland?

18 A Correct.

19 Q You were not employed by Rutland?

20 A That is correct.

21 Q Okay. How long had you been on staff at  
22 Rutland Academy when you became the GNETS director  
23 of Rutland?

24 A Eleven years.

25 Q And what other roles did you hold at



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1 Rutland prior to becoming director?

2 A Special education teacher in elementary,  
3 special education as well as a coordinator here at  
4 Rutland Academy, and I was in the elementary as well  
5 as in the middle school as -- as a special education  
6 teacher.

7 Q Okay. Roughly how long did you teach as a  
8 special education teacher in elementary at Rutland?

9 A I was in elementary from -- right at seven  
10 years.

11 Q And what about how long were you a special  
12 education teacher of middle school at Rutland?

13 A One year.

14 Q And then you mentioned that you were also  
15 a coordinator at Rutland?

16 A Yes.

17 Q What was the nature of that position?

18 A Facilitating IEP meetings, providing  
19 teacher support, being a teacher mentor, helping  
20 teachers utilize best practices as it related to  
21 therapeutic interventions and strategies, helping  
22 them develop and utilize the curriculum that we were  
23 using at the time, providing PBIS walk-throughs,  
24 PBIS incentives for students, developing our PBIS  
25 calendar, participating and facilitating

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reevaluation meetings, redetermination meetings, parent -- parent concern meetings, any meetings that -- that parents needed or things they needed, providing additional support as far as GNETS consultations -- consultative support to districts. Mainly those things -- and supporting students in all ways that -- that they needed, crisis de-escalation, assisting teachers when needed to, you know, also have additional support in the classroom at times as well.

Q Okay. So apart from special education teacher of elementary, special education teacher of middle school, and then the coordinator position, did you hold any other positions at Rutland before becoming director?

A No.

Q Did you hold any professional positions outside of Rutland before you came on staff at Rutland?

A Yes.

Q And what were those positions?

A I was a therapist as well as a social worker.

Q When you say you were a therapist, what kind of work did you do as a therapist?

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1           A       Child and adolescent. I worked with  
2 students -- oh, well, sorry -- youth that were going  
3 through different challenges. Also did intensive  
4 family intervention supports, which is when I was as  
5 a therapist seeing clients and their families three  
6 to five times a week, so in the more intense cases.

7           I also did some community support team meetings  
8 where -- participation, where I participated where  
9 there was groups of people coming together trying to  
10 figure out ways to support that particular youth.

11           The family therapy, individual therapy, and  
12 things of that nature.

13           Q       And approximately how long were you  
14 working as a therapist?

15           A       Two years --

16           Q       Okay.

17           A       -- prior to being at Rutland Academy.

18           Q       Okay. You mentioned that you were also a  
19 social worker?

20           A       Yes.

21           Q       How long were you a social worker?

22           A       Within those two years, I worked for two  
23 different agencies.

24           Q       Okay. So the therapist work and the  
25 social worker work occurred in that two-year block?

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1 A Yes, prior to Rutland.

2 Q Okay. I want to go back to one thing you  
3 said in terms of your responsibilities as director,  
4 and this is on your CV on page 2. You mentioned  
5 that you're responsible for developing and  
6 implementing plans -- or sorry -- for maintaining a  
7 system of program accountability, producing reports  
8 and data. Do you see that?

9 A Mm-hmm.

10 Q What, sort of, are the -- the tasks or  
11 functions that go into your maintaining that system  
12 of program accountability?

13 A Well, we have a strategic plan for GNETS  
14 that we -- I have to make sure that we're addressing  
15 each of -- doing what we're supposed to do for each  
16 one of those six components as well as making sure  
17 that I'm communicating with our LEAs about things  
18 that are going on with our students here, sharing  
19 that data as far as how things are going, like, how  
20 students are progressing, students that are, you  
21 know, ready to transition back to their traditional  
22 school settings, and making sure that I'm meeting  
23 with our staff before meeting with our LEA so our  
24 staff is aware of, you know, what our data is  
25 telling us and making changes as needed for

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1 continuous improvement because there's always room  
2 to grow, definitely.

3 Q Mm-hmm. Anything else related to program  
4 accountability apart from the strategic plan work?

5 A Yes. Anything that -- really the --  
6 continuing the communication with our L -- our 13  
7 school districts. There are times where there may  
8 be some program accountability, things that they  
9 want to know more about as far as how things are  
10 functioning.

11 Also supporting them, like, if there are --  
12 well, having them -- when they come here and they  
13 want to take tours to find out more about how are  
14 things really functioning day-in and day-out  
15 interactions, I welcome them coming. We sit down  
16 and talk about, you know, maybe some things that  
17 they feel like, hey, maybe you all could do these  
18 things, you know, even better or maybe here are some  
19 areas that we feel like are going really great.

20 So making sure I'm keeping a close  
21 communication with the agencies, the -- the -- the  
22 13 districts that we do serve and making sure that,  
23 when they're coming here, they can actually see how  
24 our program actually functions and actually talking  
25 about ways to improve and actually making those

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1 improvements.

2 Q Mm-hmm. Okay. Where is Rutland Academy  
3 located?

4 A 1250 Oglethorpe Avenue, Athens, Georgia  
5 30606.

6 Q And is that where we are today?

7 A Yes.

8 Q Is the Rutland Academy GNETS program  
9 housed in a single facility?

10 A Yes.

11 Q So you don't have other sites in  
12 individual schools; correct?

13 A Correct.

14 Q And you also don't have other sites that  
15 are stand-alone buildings like the one we're in  
16 right now; correct?

17 A Correct.

18 Q How long has Rutland been housed at the  
19 facility on Oglethorpe Avenue?

20 A Since 2008.

21 Q Was the Oglethorpe facility a new building  
22 when Rutland moved in in 2008?

23 A Yes.

24 Q Was the facility built specifically for  
25 Rutland Academy?

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1 A Yes.

2 Q Who built the facility for Rutland  
3 Academy?

4 A Are you asking about contractor  
5 specifically, or are you asking about --

6 Q Well, let me ask it this way. How was the  
7 cost of the facility on Oglethorpe Avenue funded?

8 A By 13 school systems.

9 Q So those 13 school systems came together?

10 A Correct.

11 Q What is the capacity of the building that  
12 houses Rutland Academy?

13 A I don't remember.

14 Q Do you have a rough approximation?

15 A 200 would be a rough approximation, but,  
16 again --

17 Q Okay. And that's 200 students?

18 A 200 people. But that's a rough  
19 approximation.

20 Q Okay. How many classrooms does the  
21 facility that houses Rutland Academy have?

22 A That number is slipping my mind right now,  
23 the exact number.

24 Q Is it more than ten?

25 A Yes.

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1 Q More than 20?

2 A Yes.

3 Q More than 30?

4 A No.

5 Q Okay. Somewhere between 20 and 30  
6 classrooms?

7 A Yes.

8 Q How many of those classrooms were actually  
9 used as classrooms during the '21-'22 school year?

10 A Eleven.

11 Q How many of those classrooms do you expect  
12 to use during the '22-'23 school year?

13 A Fourteen.

14 Q And so just going back to the 2021-'22  
15 school year, when you say 11 classrooms were  
16 actually used, were those 11 classrooms of students,  
17 or are you saying that those 11 classrooms were kind  
18 of actively in use for some purpose?

19 A Eleven classrooms with students.

20 Q Okay. And so this coming school year you  
21 expect to have an increase in the number of  
22 classrooms you have of GNETS students?

23 A I expect an increase in classrooms as  
24 relates to specials but not necessarily, like, they  
25 would be caseload classrooms.



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1 Q Okay. How many of the 14 classrooms for  
2 this upcoming school year, 2022-'23, do you expect  
3 to be used for caseload?

4 A Thirteen.

5 Q Thirteen. And then one classroom will be  
6 used for specials?

7 A In addition, yes, yes. Well, I apologize.  
8 Twelve for students, two for specials.

9 Q Okay. And of the 11 classrooms that were  
10 in use for the 2021-'22 school year, how many of  
11 those were used for caseloads?

12 A Ten.

13 Q And -- and one for specials?

14 A Correct.

15 Q When you use the term -- say a classroom  
16 is used for caseload, is that a way of saying it's a  
17 classroom that's sort of like the -- the home  
18 classroom for the student, their base?

19 A I mean -- I mean either the homeroom or  
20 the -- yes, the homeroom or the room that they  
21 transition to from different classes, but all of  
22 them have a homeroom, yes.

23 Q Okay. Rutland Academy serves students for  
24 more than one school system; right?

25 A Correct.

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1 Q And I believe you mentioned that there are  
2 13 school systems that have -- that can send  
3 students to Rutland; is that right?

4 A Yes.

5 Q Which school systems are those?

6 A Barrow, Clarke, Commerce, Elbert, Greene,  
7 Jefferson City, Jackson, Morgan, Madison, Oconee.  
8 Did I say Oglethorpe? Oglethorpe. I might have  
9 said someone twice. Oglethorpe as well as Walton  
10 County and Social Circle Cities.

11 Q Okay.

12 A Yes.

13 Q Has the list of school systems that can  
14 refer students to Rutland Academy changed at all  
15 since 2015?

16 A No.

17 Q When does the school day start and end at  
18 Rutland Academy?

19 A 8:30 the school day starts. 2:30 the  
20 school day concludes.

21 Q Does Rutland Academy have what is known as  
22 a fiscal agent?

23 A Yes.

24 Q Who is Rutland's fiscal agent?

25 A Northeast Georgia RESA.

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1 Q And just so that we're on the same page,  
2 what is the role of Rutland's fiscal agent?

3 A To provide -- they are the -- they are the  
4 source of -- that handles, like, the finances and  
5 everything of that nature; human resources; our  
6 executive director; additional support, such as  
7 anything related to educational experts, such as  
8 math experts, people that -- that provide math  
9 training as well as science training and LEA reading  
10 support. They're kind of the hub of everything that  
11 supports what our students need here at Rutland  
12 Academy.

13 Q And when you say that your fiscal agent is  
14 the source of finances, do they originate the  
15 finances that Rutland Academy receives?

16 A They are the overseers of the finances --  
17 I apologize -- the 13 districts, as well as what we  
18 get from, you know, the state and everything as  
19 well. But they oversee; so I didn't mean to say  
20 they were, like, the originators of the source.

21 Q Okay. So they oversee Rutland Academy's  
22 finances?

23 A Correct.

24 Q And where do those finances that they  
25 oversee come from?

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1 A The 13 school districts as well as the  
2 State Department.

3 Q And when you say State Department, State  
4 Department of Education?

5 A Correct.

6 Q How many people total were on staff at  
7 Rutland Academy in the 2021-'22 school year?

8 A Twenty-seven total.

9 Q Okay.

10 A But that number did fluctuate; so it  
11 wasn't always the same.

12 Q Was it higher at any points?

13 A No.

14 Q But it may have been lower at some points  
15 during the year?

16 A Yes.

17 Q How many people will be on staff at  
18 Rutland Academy in the 2022-'23 school year?

19 A That's still in process; so I don't want  
20 to say exact number, but I would say -- I don't have  
21 an exact number because that -- we don't really have  
22 all the positions filled yet.

23 Q Okay. So you currently have some  
24 vacancies?

25 A Correct.

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1 Q If you were to have all of your positions  
2 filled, what would the number of staff be?

3 A Twenty-seven.

4 Q Okay. And how many positions do you have  
5 vacant right now?

6 A Four.

7 Q What are those positions that are vacant?

8 A Elementary teacher, middle school teacher,  
9 para -- and two paraprofessionals.

10 Q Okay. Are there any outside contracted  
11 positions at Rutland that are not accounted for in  
12 those staff members that you just gave me?

13 A No. However, we do have contracts with,  
14 like, the nutrition department, but they're not our  
15 staff members, in a sense, because we contract  
16 through Clarke County.

17 Q Okay. Those nutrition workers -- are they  
18 physically located at Rutland Academy?

19 A During the time that they are serving  
20 only.

21 Q Okay. So they may come over for breakfast  
22 or for lunch?

23 A That's correct.

24 Q Okay. But no one else apart from those  
25 nutrition workers that are not included in those

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1 staff numbers that you gave?

2 A Correct.

3 Q Okay. How many students were served at  
4 Rutland Academy in the 2021-'22 school year?

5 A That number fluctuated as well. Are  
6 you -- would you like -- are you asking for a number  
7 of the most or -- that number fluctuated, though.

8 Q Sure. Why don't you just tell the range,  
9 kind of when it was at its lowest, what it was, and,  
10 when it was at its highest, what it was.

11 A 68 to 73.

12 Q How many students do you expect to be  
13 served at Rutland Academy when school starts in this  
14 coming 2022-'23 school year?

15 A 72.

16 Q Are these numbers of students served  
17 relatively consistent with the number of students  
18 that have been served each year since about 2015, or  
19 have there been fluctuations?

20 A There have been fluctuations.

21 Q Have those fluctuations been significant  
22 fluctuations?

23 A Not significant, no.

24 Q Since 2015, what would you say is the  
25 largest number of students that have been served at

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1 Rutland in a given school year?

2 A 87.

3 Q And what about the lowest?

4 A 67.

5 Q Okay.

6 MS. WOMACK: I'm going to hand the court  
7 reporter what I would like to have marked as  
8 Plaintiff's Exhibit 211.

9 (Plaintiff's Exhibit 211 was marked for  
10 identification purposes.)

11 Q (By Ms. Womack) Ms. Ngeve, I am handing  
12 you what has been marked as Plaintiff's Exhibit 211.  
13 This document bears a Bates stamp of Rutland 000108.  
14 Ms. Ngeve, are you familiar with this document?

15 A Yes.

16 Q What is this document?

17 A This is our Rutland Academy flyer, like a  
18 pamphlet.

19 Q Who created this document?

20 A Myself and my coordinator.

21 Q What is the purpose of this document?

22 A For new parents and for -- I'm sorry --  
23 the parents of new students that may want to know  
24 more information about Rutland Academy. We provide  
25 that at the meetings, when we have in-person

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1 meetings, or if they request it.

2 Q So this flyer provides some summary  
3 information about the Rutland Academy GNETS program?

4 A Correct.

5 Q Am I correct that this is a document that  
6 the Rutland GNETS program provided in response to  
7 the United States subpoena for documents?

8 A Yes.

9 Q What is Rutland's mission statement,  
10 according to this document?

11 A "The mission of Rutland Academy is to  
12 provide a therapeutic and educational environment  
13 that empowers students to be academically,  
14 behaviorally and socially successful through  
15 collaboration with regional school systems, families  
16 and community organizations," as a mission  
17 statement.

18 And the vision statement indicates, "Rutland  
19 Academy is an exemplary student-centered therapeutic  
20 environment that provides a unique blend of  
21 psychological, behavioral, academic and social  
22 services that empower students to make a successful  
23 transition to the least restrictive environment."

24 Q Is the mission statement that appears here  
25 an accurate statement of Rutland Academy's mission?



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1 A Yes.

2 Q So Rutland aims to provide, not just an  
3 educational environment, but a therapeutic  
4 environment for its students?

5 A Yes.

6 Q And it says here that the aim is for the  
7 environment to empower students to be academically,  
8 behaviorally, and socially successful through  
9 collaboration with regional school systems,  
10 families, and community organizations; right?

11 A Correct.

12 Q Are the regional school systems referenced  
13 here the ones that you identified earlier as the 13  
14 school systems that have the ability to refer  
15 students to Rutland Academy?

16 A Yes.

17 Q Does this reference to regional school  
18 systems include any other school systems apart from  
19 those?

20 A No.

21 Q Which community organizations does Rutland  
22 collaborate with to empower students to be  
23 academically, behaviorally, and socially successful?

24 A So for the therapeutic components, we  
25 collaborate with Pathways Transition Systems --

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1 that's a counseling agency -- Social Empowerment  
2 Center, Advantage Behavior Health Systems, Bethany  
3 Christian Services.

4 There are several wrap-around teams that are --  
5 that are for students that are coming out of -- that  
6 are in foster care as well, and their -- their names  
7 change based on the different locations that they're  
8 coming from.

9 Also, of course, speech therapists,  
10 occupational therapists as well that provide  
11 supports to our students.

12 Q Okay.

13 A And then, of course, reading specialists,  
14 math specialists from RESA as well.

15 Q Okay. You mentioned Pathways, which you  
16 said provides counseling services?

17 A Correct.

18 Q And how, specifically, does Rutland  
19 collaborate with Pathways?

20 A Pathways comes to Rutland Academy to see  
21 students that are on their caseload for therapy, and  
22 they're provided with a -- a therapeutic setting, a  
23 room, a counseling suite, a room to meet in with the  
24 students. So they provide individual therapy to the  
25 students, and then some of them also provide family

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1 therapy.

2 Q The students that Pathways provides  
3 counseling to -- are those students that Rutland  
4 Academy has connected Pathways to, or are those  
5 students that Pathways sort of had a preexisting  
6 connection with?

7 A They had a preexisting connection with.  
8 Usually they -- the -- the parents have already  
9 gotten services through Pathways. Then that student  
10 is on their caseload; so they -- they're able to  
11 come here and meet with the students.

12 Q Okay. And then Rutland opens the doors  
13 for Pathways to be able to do that during the school  
14 day?

15 A Correct.

16 Q How many students at Rutland Academy were  
17 served by Pathways in the 2021-'22 school year?

18 A That number fluctuated.

19 Q What's the sort of rough range?

20 A For Pathways, about nine -- nine students.

21 Q Okay. You mentioned Social Empowerment --

22 A Yes.

23 Q -- Center?

24 A Yes.

25 Q And how does Rutland Academy collaborate

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1 with Social Empowerment Center?

2 A The same as with Pathways. The students  
3 are normally -- their families are already on their  
4 caseload. You know, they -- the parents come -- the  
5 students -- the therapists come here, and they meet  
6 the students in -- in this counseling suite.

7 Q Okay. And similar to Pathways, are these  
8 students who have previously been connected with  
9 Social Empowerment Center and Rutland is opening the  
10 doors to make available time for them to come during  
11 the day, or is Rutland connecting students to Social  
12 Empowerment Center?

13 A Some of both.

14 Q And how many students were served by  
15 Social Empowerment Center in the 2021-'22 school  
16 year?

17 A That number fluctuates.

18 Q What was the range?

19 A Three to four.

20 Q And you mentioned Rutland Academy also  
21 collaborates with Advantage Behavior Health Systems?

22 A Yes.

23 Q What is Advantage Behavior Health Systems?

24 A They're a mental health organization.  
25 They provide counseling to student -- to youth as

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1 well as their families as well. So they provide IFI  
2 services, which is intensive family intervention  
3 services; community support teams services; and  
4 community support and individual service.

5 So they may be seeing students once a week,  
6 twice a week, more than those times a week with --  
7 whether it's at school and at home, but they also  
8 provide family therapy at home as well.

9 Q Okay. How many Rutland Academy students  
10 were served by Advantage Behavior Health Systems in  
11 the 2021-'22 school year?

12 A That number fluctuated.

13 Q What was the range?

14 A Three to six.

15 Q I believe the next community organization  
16 you identified was Bethany Christian Services?

17 A Yes.

18 Q How does Rutland collaborate with Bethany  
19 Christian Services?

20 A Much like the others, we -- we allow them  
21 to have, you know, counseling suites where they can  
22 meet with the students that -- that are on their --  
23 their caseload. Usually it's students that are in  
24 foster care that may be coming from a different  
25 placement and they're now in a new placement. So

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1 Bethany comes and meets with those students and  
2 checks in with them, as well as also sometimes asks,  
3 you know, about ongoing -- how -- their -- their  
4 progress from teachers as well.

5 Q The students that Bethany Christian  
6 Services serves -- are those students typically  
7 already connected with Bethany before they come to  
8 Rutland?

9 A Yes.

10 Q How many Rutland Academy students were  
11 served by Bethany Christian Services in the 2021-'22  
12 school year?

13 A It fluctuates.

14 Q What was the range?

15 A One to four.

16 Q Okay. You also mentioned that there are  
17 several wrap-around teams --

18 A Yes.

19 Q -- for students in foster care?

20 A Yes.

21 Q Explain what you mean by wrap-around  
22 teams.

23 A So some students that are -- usually  
24 students that are affiliated with -- that are in  
25 DFCS custody and they are currently in a foster

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1 placement or they're back with a parent but they're  
2 still under DFCS care -- they may have a therapist  
3 from one agency, a social worker from another  
4 agency, someone from a different agency.

5 Then they may want to come here and have a  
6 meeting together with the parent here about how  
7 things are going -- as well as the teacher -- about  
8 how things are going with the student at school,  
9 what other services that can be provided to support  
10 that kiddo in being successful in the home setting.

11 And then students participate sometimes in part  
12 of those meetings where they just kind of get to  
13 hear from the student as far as how are things  
14 going, what are you -- what are you enjoying? What  
15 are you having difficulty with?

16 And then those students exit, and they go back  
17 to classroom, and then the adults continue to meet  
18 and just find different ways to best support the  
19 student.

20 Q Okay. So it sounds like these wrap-around  
21 teams are teams that were already in place for DFCS  
22 students?

23 A Yes.

24 Q And then when -- if and when that student  
25 comes to Rutland Academy, again, Rutland Academy

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1 opens the doors for them to come in and serve the  
2 student here?

3 A That's correct.

4 Q How many Rutland Academy students had  
5 services from wrap-around teams in the 2021-'22  
6 school year?

7 A That fluctuates.

8 Q And what was the range?

9 A One to six.

10 Q Okay. Then I believe you mentioned that  
11 Rutland collaborates with speech therapists?

12 A Correct.

13 Q Are there any speech therapists on staff  
14 at Rutland?

15 A No.

16 Q And what speech therapists does Rutland  
17 collaborate with?

18 A That fluctuates. It's the speech  
19 therapists from the districts per the student's IEPs  
20 that have speech therapy in their IEPs. So the  
21 districts make sure that their speech therapist  
22 comes here and meets with those students that have  
23 those services.

24 Q Okay. And those are speech therapists  
25 that also provide services in those local school



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1 districts as well?

2 A That is correct.

3 Q Okay. You mentioned occupational  
4 therapists as well?

5 A Yes.

6 Q Is that set up similar to the setup for  
7 the speech therapists in that they come from local  
8 school districts?

9 A Yes.

10 Q And those are occupational therapists who  
11 also provide services in those local school  
12 districts?

13 A That's correct.

14 Q And then, finally, I believe you mentioned  
15 reading and math specialists?

16 A Yes.

17 Q Did you say that those specialists are  
18 affiliated with the RESA?

19 A Yes.

20 Q And how does Rutland collaborate with the  
21 reading and the math specialists?

22 A They provide professional learning for the  
23 teachers, so -- and then they help monitor how  
24 the -- what student -- what progress that the  
25 students are making using those -- those different

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1 strategies and interventions.

2 And the reading specialists actually helped us  
3 set up our book room and have, like, all these  
4 different reading interventions, specific books that  
5 are tiered to students' specific learning abilities,  
6 and so progress monitoring with the teachers to look  
7 at how students are making progress and if any  
8 additional supports are needing.

9 Q Okay. So the reading and math specialists  
10 support the teachers --

11 A Correct.

12 Q -- at Rutland Academy?

13 A Correct.

14 Q Do they provide any direct services to  
15 Rutland Academy students?

16 A No.

17 Q Do the reading and math specialists  
18 support Rutland Academy, like, full time? Does that  
19 take up their entire --

20 A No.

21 Q Okay. Do they support other school  
22 systems as well?

23 A Yes.

24 Q And one other question, just so I  
25 understand. You mentioned Pathways, Social

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1 Empowerment Center, Advantage Behavioral Health  
2 System. Are there ever Rutland Academy students who  
3 receive overlapping services from these  
4 organizations?

5 A None of the three you just mentioned.

6 Q Okay. Are there -- setting the speech  
7 therapists and occupational therapists aside, for  
8 the other organizations, which then would also  
9 include Bethany Christian Services and their  
10 wrap-around teams for students in foster care, are  
11 there students that receive overlapping services  
12 from among those five?

13 A Yes.

14 Q Which -- which organizations might provide  
15 overlapping services to a student?

16 A It fluctuates. It could be either of  
17 those organizations, based on what services they  
18 have in place. If Bethany Christian has a -- has a  
19 connection with Advantage, those kids may get  
20 Advantage. But someone else at Bethany Christian  
21 may also get Social Empowerment Center. It just  
22 kind of depends on how they set up their therapy  
23 prior to them coming to Rutland.

24 Q Okay. So for Bethany Christian Services,  
25 is the counseling that they provide delivered

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1 through a different entity, or is it actually  
2 Bethany Christian Services providing the counseling?

3 A Both.

4 Q Okay. Okay. Going back to the mission  
5 statement --

6 A Mm-hmm.

7 Q -- how do you assess whether students are  
8 successful, as defined in the mission statement?

9 A We're constantly meeting to look at the  
10 data of their academic data to see -- we take  
11 baseline data on all their academics: math,  
12 reading -- primarily math and reading but also their  
13 science and social studies. We take the baseline  
14 data at the beginning of the school year. We do  
15 progress monitoring throughout the school year.

16 i-Ready is a very great opportunity -- it's a  
17 great resource because it allows us to get very  
18 clear data on where the students were when they  
19 first came during to the school -- at the beginning  
20 of the school year, as well as throughout the school  
21 year when they do those progress -- when we  
22 progress-monitor through ongoing diagnostic  
23 assessments.

24 And then we look at how -- how much growth they  
25 have made in what areas, and we actually celebrate

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1     them as far as any -- any -- even if they made mild  
2     accomplishments, we want to make it a big deal  
3     because they have actually shown some growth.

4             And so we use i-Ready. We also use some of our  
5     curriculums, such as enVision Math and some of the  
6     other curriculums to just kind of see where were  
7     they at the beginning of the school year.

8             And we look at their IEP goals, where were they  
9     with their academics for their academic goals and  
10    IEP -- for their IEP at the beginning of the school  
11    year, throughout the school year, mid-check midway  
12    through the school year, as well as throughout -- by  
13    the end of the school year. So we're constantly  
14    looking at what gains they're making academically.

15            With their social, emotional, behavioral data,  
16    we're always looking at what are their social,  
17    emotional, and behavioral goals and objectives, how  
18    well they're actually mastering them throughout the  
19    school year.

20            They're getting data collection done on a daily  
21    basis via a point sheet; so on a daily basis they're  
22    getting powerful praise about how well they're doing  
23    with their academic -- with their social, emotional,  
24    and behavioral goals and objectives, as well as  
25    doing -- teaching them replacement skills when

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1 they're not doing as well and teaching them how to  
2 cope through those particular behaviors or those  
3 behavior outbursts and really helping them  
4 understand what could they -- what they could do  
5 differently.

6 We're doing role-play. We're doing practicing.  
7 We're setting clear expectations. So we're  
8 consistently looking at the data for just -- for  
9 their IEP goals, with their social, emotional, and  
10 behavioral goals, as well as their academic, but  
11 also looking at using i-Ready and some of the other  
12 progress monitoring forms that help us kind of to  
13 see what gains they're making, and we celebrate  
14 them.

15 Q Okay. You mentioned on the -- the sort of  
16 social and behavioral side of things that you look  
17 at data related to -- to a student's IEP goals?

18 A Yes.

19 Q And then you also mentioned that there is  
20 a daily point sheet?

21 A Yes.

22 Q Is the daily point sheet part of that data  
23 that you look at for the IEP goals?

24 A Yes.

25 Q What other data do you look at apart from

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1 the point sheet?

2 A We also look at -- we do a -- we do  
3 teachers advisor every week, and that is a  
4 one-on-one session for the students to meet with  
5 their caseload manager to talk about how they're  
6 feeling about what they're doing, the progress  
7 they're making, because that makes a big difference,  
8 not only what's shown on the point sheet, but also  
9 what -- what they're recognizing as things they're  
10 making growth with -- but also what things they're  
11 having difficulty with.

12 We also have interviews with parents to find  
13 out are they improving, are they making any changes.

14 We also communicate with the parents about  
15 psychiatry appointments, psychological appointments,  
16 and we provide data on how they have been doing  
17 with their -- since they have been on different  
18 medications and things of that nature so that the  
19 parents can have real clear data taken into those  
20 appointments to help those students be successful.  
21 Because sometimes the doctors are changing  
22 medication. Sometimes they're just managing it and  
23 keeping it at the same place. But really talking to  
24 those parents about those things and having them  
25 prepared for those psychological appointments.

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1           Also the parents meet -- talk -- meet and talk  
2 regularly with our school nurse about any changes  
3 that are happening as it relates to their social,  
4 emotional, and behaviorals since different  
5 medication changes have occurred.

6           And then aside from that, we also are  
7 consistently doing observations, going to  
8 classrooms, talking to students and -- and  
9 recognizing them when we notice they're doing  
10 something really great.

11           There are pop-up opportunities that we do when  
12 we're recognizing -- you know, I may say out of the  
13 blue you're -- you know, all the kiddos that have  
14 had this many, you know, learning points, you can  
15 come to the office to get a -- get a treat. So  
16 kiddos are constantly being -- know that we're aware  
17 of how they're doing with their -- with their  
18 social, emotional, and behavioral goals and  
19 objectives because we're constantly going around,  
20 looking at their data, talking to them about their  
21 data, but also incentivizing their data when they're  
22 making progress and talking to them about what  
23 barriers they're having and what support they need  
24 when they're not making progress.

25           Q           Mm-hmm. So for this daily point sheet,



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1 how is the point sheet set up?

2 A So the point sheet is set up in six  
3 different periods. So we have six periods  
4 throughout the day. And so each -- each area on the  
5 point sheet -- there are two areas -- two  
6 opportunities for them to actually be able to be  
7 incentivized for that particular skill.

8 For example, a student having self-control. So  
9 they -- at some point during the -- during the  
10 class period, the teacher is going to acknowledge --  
11 the teacher or paraprofessional or any other staff  
12 member that's in the room -- may acknowledge the  
13 fact that they notice that that kiddo is doing a  
14 really great job with self-control.

15 So it's, you know, you're doing a great job  
16 practicing self-control. I just noticed that you  
17 haven't thrown anything off your desk. You're  
18 keeping your -- you're keeping your hands and feet  
19 to yourself. You're doing amazing; so because of  
20 that you have earned 1,000 positive points.

21 So we're doing powerful praise; and powerful  
22 praise is general praise plus specific praise plus a  
23 contingent reward, which ends up being those  
24 positive points. And they're getting incentivized  
25 for those things throughout the period -- throughout

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1 the class periods.

2 Q So you mentioned sort of earning points  
3 for, you know, demonstrating something like  
4 self-control. Is there a total number of points  
5 that each student is able to earn each day?

6 A That change -- that fluctuates based on  
7 the number of goals, the number of objectives, the  
8 skills that they're working on. So most students  
9 have anywhere from three to six IEP objectives that  
10 they're working on. It may be self-control,  
11 following directions, maintaining physical  
12 boundaries, accepting feedback, using appropriate  
13 conversation.

14 Some students only -- because of what --  
15 because of the progress they have made, they only  
16 need three. So that number will change.

17 But if a student had five skills they're  
18 working on, for example -- there's six periods --  
19 there's two opportunities per period to earn  
20 positive points on those. There can be 10,000  
21 positive points per period, six periods, so 60,000  
22 positive points that they could potentially earn  
23 throughout a day. But, again, that fluctuates based  
24 on the number of skills they have as well as their  
25 mastery.

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1 Q Is there something that students get to do  
2 with the points that they earn?

3 A Yes.

4 Q What's that?

5 A Every Friday they get to utilize their  
6 positive points to participate in Fun Friday during  
7 fifth and sixth period.

8 And Fun Friday is a -- can be -- it's several  
9 different activities that students normally get to  
10 decide what they're wanting to do. It could be  
11 participating in a game with the teachers outside on  
12 the basketball court. It could be doing a movie  
13 gallery where they're watching a movie with popcorn  
14 and things of that nature. It could also be going  
15 and playing a particular sport with the PE teacher.  
16 It could be also going to the fitness room, being  
17 able to, you know, use the weights and learning  
18 different ways of how to utilize the equipment in  
19 the -- in the fitness room. So they get to use them  
20 for those things.

21 They also get to use them for at times -- like,  
22 the classes have individual classrooms they use; so  
23 sometimes they can use their positive points for an  
24 opportunity to sit in the teacher's desk.

25 We constantly survey our students to find out

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1 what exactly are you wanting to work towards because  
2 that makes a difference, and every classroom won't  
3 be the same. Every student is not the same. So in  
4 some classes it's -- they just want to sit in class  
5 for a period without their shoes on. Okay. You  
6 purchase -- you use up -- you use some of your  
7 points if you do that. So we give them the  
8 opportunity to tell us what they're wanting to work  
9 towards.

10 Also during Fun Friday they get to go use their  
11 PRIDE bucks, which are part of our PBIS incentive,  
12 to go -- just as a school currency, to go to the  
13 school store and purchase things with their PRIDE  
14 bucks in the school store. But they have to have  
15 earned those appropriate points to participate in  
16 Fun Friday to even be able to go to the school  
17 store. So their points are a big deal around here.

18 Q And so the points are separate from PRIDE  
19 bucks?

20 A Correct.

21 Q The point sheets that are kept on  
22 students -- is there some method of -- of  
23 record-keeping of all of those point sheets?

24 A Yes.

25 Q Who maintains those records?

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1 A The -- the caseload manager.

2 Q And that's someone on the Rutland Academy  
3 staff?

4 A Yes. Each homeroom teacher.

5 Q Okay. You mentioned also that one of the  
6 data points that you use are observations of  
7 students?

8 A Yes.

9 Q Who conducts those observations?

10 A Myself as well as our -- my -- our  
11 coordinator.

12 Q Do you maintain records of those  
13 observations?

14 A Not always. Sometimes, yes, but not  
15 always. Sometimes they're informal.

16 Q When you do maintain records of the  
17 observations, kind of how do you do that?

18 A PBIS walk-through forms.

19 Q Are those forms specific to students,  
20 individual students?

21 A No.

22 Q Flipping over to -- it's the third page of  
23 this flyer --

24 A Mm-hmm.

25 Q -- under the "Frequently Asked Questions,

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1 continued."

2 A Yes.

3 Q And do you see the question that says,  
4 "How is GNETS different from a resource or  
5 self-contained setting?"

6 A Mm-hmm, yes.

7 Q And then it -- it says, "GNETS offers  
8 children the intense therapeutic support and social  
9 skills training to help them be successful in a  
10 classroom setting."

11 A Yes.

12 Q What classroom setting is this a reference  
13 to?

14 A In each of our classroom settings here.

15 Q The classroom settings at Rutland?

16 A Correct.

17 Q Okay.

18 A And the preparation for them being  
19 successful in their traditional classroom settings  
20 when they transition back.

21 Q Okay. So in the immediate term, this is a  
22 reference to Rutland Academy classroom settings, and  
23 then you said that's tied to general education  
24 settings as well?

25 A Correct.

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1 Q This section also has some additional  
2 information about the various types of classrooms --

3 A Yes.

4 Q -- at Rutland Academy?

5 A Mm-hmm.

6 Q So Rutland Academy has elementary  
7 classrooms?

8 A Yes.

9 Q And is it correct, as it says here, that  
10 those are self-contained?

11 A Yes.

12 Q What does that mean?

13 A They stay with that homeroom teacher for  
14 all content areas.

15 Q How many self-contained elementary school  
16 classrooms did Rutland have in the 2021-'22 school  
17 year?

18 A Three.

19 Q How many self-contained elementary school  
20 classrooms do you expect to have in the 2022-'23  
21 school year?

22 A Three.

23 Q Are those numbers of classrooms consistent  
24 with the numbers of self-contained elementary school  
25 classrooms you have had at Rutland over the last

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1 five to seven years?

2 A No.

3 Q And how are they not consistent?

4 A We used to have more.

5 Q What was the highest number of  
6 self-contained elementary school classrooms you had?

7 A Five.

8 Q What year was that?

9 A I don't remember exactly.

10 Q Was it after 2015?

11 A I don't remember exactly.

12 Q Okay. This flyer says Rutland also has  
13 middle school classrooms?

14 A Yes.

15 Q And it says here "Traditional Rotation."  
16 Do you see that?

17 A Yes.

18 Q What does "Traditional Rotation" mean?

19 A They go to different teachers for  
20 different contents.

21 Q Okay. And which content areas do middle  
22 school students go to different teachers for?

23 A Science. Science; ELA; math; and,  
24 previously, social studies.

25 Q When you say "previously," they no longer



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1 rotate for social studies?

2 A There wasn't a social studies teacher; so  
3 in this year we -- we may not have that position.

4 Q Okay. So when you say there wasn't a  
5 social studies teacher, are you referring to the  
6 2021-'22 school year?

7 A Sorry. Can you say that again?

8 Q Sure. You said previously social studies  
9 and -- and you said then there wasn't a social  
10 studies teacher; so I'm trying to understand what  
11 time frame you're talking about.

12 A During the '21-'22 school year, we had a  
13 social studies teacher, and then that -- that --  
14 that teacher was no longer here during the '21-'22  
15 school year.

16 Q Okay. So started the '21-'22 school year  
17 with a social studies teacher?

18 A Correct.

19 Q That teacher did not finish out that  
20 school year?

21 A Correct.

22 Q And then were you saying that you may not  
23 have a social studies teacher for the '22-'23 school  
24 year?

25 A This school year, that's correct. This

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1 school year coming up, we will just have a -- we  
2 will just have math, ELA, and science.

3 Q Okay. So those are the three areas that  
4 middle school students rotate?

5 A Yes.

6 Q How many middle school classrooms with  
7 this traditional rotation did Rutland have in the  
8 2021-'22 school year?

9 A Four.

10 Q How many middle school classrooms --

11 A Initially. Because that number changed.

12 Q Okay. How did that number change?

13 A Because one teacher left. So it was four  
14 teachers.

15 Q So you started the 2021-'22 school year  
16 with four teachers for middle school students?

17 A Correct.

18 Q How many teachers did you end the 2021-'22  
19 school year with for middle school?

20 A Three.

21 Q And how did -- practically, how did you go  
22 from those four classrooms to the three classrooms  
23 in the middle of the school year?

24 A It wasn't the middle of the school year.

25 Q When was it?

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1 A It was earlier in the school year --

2 Q Okay.

3 A -- during the first semester.

4 Q So in first semester when you lost that  
5 fourth teacher, how did Rutland account for that?

6 A We utilized Edgenuity, which is to ensure  
7 that students continue to get social studies  
8 instruction, which is Edgenuity to provide -- to  
9 provide that additional support.

10 Q Is Edgenuity an online, computer-based  
11 program?

12 A Yes.

13 Q So after you lost the social studies  
14 teacher, then students were receiving social studies  
15 content through Edgenuity?

16 A Correct.

17 Q For this upcoming school year, do you  
18 anticipate that students will continue to receive  
19 social studies content through Edgenuity?

20 A Correct.

21 Q And so for the 2022-'23 school year, how  
22 many middle school classrooms with traditional  
23 rotation do you expect Rutland to have?

24 A Three.

25 Q Is the number three to four middle school

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1 classrooms with traditional rotation consistent with  
2 the numbers of middle school classrooms with  
3 traditional rotation that you have had at Rutland  
4 over the last five to seven years?

5 A No.

6 Q And how has -- how is that inconsistent?

7 A We used to have more.

8 Q And how many did you have previously?

9 A Five.

10 Q Do you recall when that was?

11 A No, not exactly.

12 Q Okay. Rutland also has something called a  
13 multi-age classroom?

14 A Yes.

15 Q And that is also referred to by the  
16 acronym -- acronym "MAC," M-A-C?

17 A Correct.

18 Q It says here the multi-age classroom is  
19 self-contained; is that correct?

20 A Yes.

21 Q How many self-contained multi-age  
22 classrooms did Rutland have in the 2021-'22 school  
23 year?

24 A One.

25 Q How many self-contained multi-age

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1 classrooms do you expect Rutland to have in the  
2 2022 -- 2022-'23 school year?

3 A One.

4 Q Are those numbers consistent with the  
5 number of self-contained multi-age classrooms you  
6 have had at Rutland in the last five to seven years?

7 A Yes.

8 Q And then, finally, here it says Rutland  
9 has high school classrooms with traditional  
10 rotation?

11 A Yes.

12 Q And is the meaning of traditional rotation  
13 here the same as the meaning of traditional rotation  
14 you gave with respect to the middle school  
15 classrooms?

16 A That's correct.

17 Q Do high school students rotate for all of  
18 the same content areas as middle school?

19 A Yes.

20 Q So that would be science, ELA, math, and  
21 social studies?

22 A Yes. And both -- both middle school and  
23 high school also rotate the specials.

24 Q Okay. How many high school classrooms  
25 with traditional rotation did Rutland have in the

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1 2021-'22 school year?

2 A Three.

3 Q How many high school classrooms with  
4 traditional rotation do you expect Rutland to have  
5 in the 2022-'23 school year?

6 A Three.

7 Q Have these numbers of high school  
8 classrooms with traditional rotation changed over  
9 the last five to seven years?

10 A Yes.

11 Q And how have they changed?

12 A We used to have more.

13 Q How many did you have previously?

14 A Five.

15 Q Do you recall when that was?

16 A No, not exactly.

17 Q You mentioned that middle school and high  
18 school students also rotate to specials?

19 A Yes.

20 Q Is that correct? What specials do middle  
21 school students rotate to?

22 A Elementary does as well. Music -- well,  
23 which ones did they rotate to during the 2021-'22  
24 school year, or what are you asking specifically? I  
25 want to make sure I understand the question.

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1 Q Sure. Let's start with the 2021-'22  
2 school year, and let's start at the bottom. What  
3 specials did elementary school students rotate to?

4 A PE.

5 Q Anything else?

6 A No.

7 Q For middle school in the 2021-'22 school  
8 year, what specials did middle school students  
9 rotate to?

10 A PE.

11 Q Anything else?

12 A No.

13 Q And for high school for the 2021-'22  
14 school year, what specials did students rotate to?

15 A They rotated to PE. But high school also  
16 had the option of -- there are some students that  
17 have had specials that had, like, art -- had art.  
18 They were able to do that virtually, do it via  
19 Edgenuity.

20 Q Okay. So high school students rotated to  
21 PE, and that PE class is an in-person class?

22 A Correct.

23 Q And then you said they also had the  
24 opportunity to rotate to art?

25 A Yes.

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1 Q And the art was through Edgenuity?

2 A That is correct.

3 Q And Edgenuity was the online,  
4 computer-based program we talked about before?

5 A Correct.

6 Q For high school students who rotated to  
7 art, was there any sort of physical component to  
8 that class despite it being on Edgenuity?

9 A No.

10 Q Did they produce any sort of physical art?

11 A Yes. Yes, they would produce -- produce  
12 art.

13 Q And did they use art supplies --

14 A Yes.

15 Q -- to do that? Were there any other  
16 specials that high school students rotated out to in  
17 the 2021-'22 school year besides PE and art through  
18 Edgenuity?

19 A No.

20 Q Do you expect any changes for the 2022-'23  
21 school year in terms of what specials students at  
22 Rutland will be able to rotate -- rotate out to?

23 A Yes.

24 Q What are those changes?

25 A We will now have a music therapist. And



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1 students will be able to transition to the art  
2 classroom. They -- they rotated to the art  
3 classroom last year, but there wasn't an art  
4 teacher; so they did art still with art supplies in  
5 the art classroom, but there won't be an art --  
6 there wasn't an art therapist last year. There  
7 won't be one this coming school year.

8 Q Okay. So you said this coming school year  
9 there's a music therapist?

10 A Correct.

11 Q Which students will rotate to the music  
12 therapist?

13 A All students.

14 Q You said there is not an art therapist  
15 this coming school year; correct?

16 A Correct.

17 Q But that students will be able to rotate  
18 to the art room?

19 A Correct.

20 Q Who delivers instruction when the students  
21 are in the art room?

22 A The teachers and paraprofessionals.

23 Q And does Rutland Academy offer any  
24 category of classrooms other than those that we have  
25 just reviewed?

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1 A No.

2 Q Going back to the -- the flyer where it  
3 says, "GNETS offers children the intense therapeutic  
4 support and social skills training --"

5 A Yes.

6 Q "-- to help them be successful in the  
7 classroom setting" --

8 A Yes.

9 Q -- what is the intense therapeutic support  
10 that's referenced here? And I know we have talked  
11 some about some of the services; so you should feel  
12 free to -- if we have talked about anything, let me  
13 know that; but I just want to make sure I understand  
14 all of the things that go into this intense  
15 therapeutic support.

16 A Yes, no problem. So one of the things  
17 that we do is we have a social skills and carriage  
18 education calendar; so there's a -- there's a social  
19 skill that's being focused on or carriage education  
20 work being focused on on a weekly basis for all  
21 students, where we talk about it through assemblies.  
22 We do role-plays, and we do different activities as  
23 relates to that particular social skill.

24 In addition to that, in each -- at each of  
25 their six academic periods, they are getting

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1 feedback on those social skills. We're talking  
2 about the steps to the social -- to the desired  
3 social skill; we're modeling the desired social  
4 skill; and we're giving them feedback on if they're  
5 mastering it or if they're not.

6 If they're not mastering it, then they're  
7 earning learning points, which means they're non --  
8 not mastering those social skills, and then we're  
9 going through those steps. We're doing the  
10 role-play, and then we're talking about what they  
11 are going to do differently going forward. Then  
12 they have an opportunity to earn some of those --  
13 half of those -- some of those points back because  
14 they participated in the role-play.

15 So each time they're not mastering those  
16 skills, they're -- we're pausing; we're stopping;  
17 we're talking about those skills. We're going  
18 through the steps, and we're talking to them about  
19 what they could do differently going forward.

20 And when they're mastering them, we praise them  
21 for being able to master those social, emotional,  
22 and behavioral goals and objectives and talking  
23 about those skills consistently.

24 Also, as a whole -- or as a school-wide  
25 initiative, what -- some of the things that we do is

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1 we also talk to them about -- we do, like, random  
2 quizzes. We might do, like a -- when we're doing an  
3 assembly, we will do a random quiz where students --  
4 where we will ask them who can tell me the steps of  
5 maintaining physical boundaries, and what does that  
6 look like?

7 Really doing real -- really clear modeling and  
8 making sure that they understand what they're  
9 expected to do but also talking about when is that  
10 an issue for you? And so they will give us those  
11 examples, such as in Walmart, and we talk about,  
12 well, what kind of things could you do during that  
13 time.

14 Also our students have group therapy every  
15 single week with our social worker.

16 And I apologize. If I can add this to the last  
17 question that you asked about some of the -- where  
18 they -- our kids transition to.

19 That is also one of the specials they have  
20 every week. Each class has group therapy once a  
21 week, and that's from our social worker. So she  
22 provides group therapy to the students, and she also  
23 provides individual therapy to students that are  
24 having some additional challenges where they may  
25 need some additional support.

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1           When she's meeting with them as group therapy,  
2           she's focusing on those social, emotional, and  
3           behavioral -- those -- the social skills curriculum  
4           calendar as far as what -- what focus we're doing  
5           that week. So if it's on accepting feedback, all of  
6           her games and activities will be related to  
7           accepting feedback, okay; how do you do that?

8           And sometimes it's through social stories;  
9           sometimes it's through role-play; sometimes it's  
10          through games and real-life experience, and so they  
11          can kind of talk about what that looks like.

12          So it's just a heavy focus on, not only what  
13          you're expected to do, but when are those things  
14          difficult, who was it difficult to receive -- to  
15          accept feedback from and things of that nature.

16          Q       Okay.

17          A       I apologize. I missed that initially.

18          Q       Okay. So just recapping what you said,  
19          you said, with respect to social skills, that there  
20          is the social skills calendar that you use?

21          A       Yes.

22          Q       And then you said there's also sort of  
23          in-classroom and real-time feedback for students on  
24          how they're practicing and implementing those social  
25          skills?

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1 A Yes.

2 Q And then you said that your social worker  
3 provides group therapy to each classroom one time  
4 per week?

5 A Yes.

6 Q And in those group therapy sessions, the  
7 social worker is using your social skills calendar  
8 to deliver lessons that align with that calendar?

9 A Correct.

10 Q And what the calendar says the social  
11 skill at that time that students are supposed to be  
12 mastering is?

13 A Yes.

14 Q You mentioned that the social worker also  
15 provides individual therapy to students?

16 A Yes.

17 Q Is there a particular frequency of any  
18 individual therapy that she would provide in terms  
19 of the number of times per week?

20 A It fluctuates.

21 Q In the 2021-'22 school year, approximately  
22 how many students were receiving individual therapy  
23 from your social worker?

24 A That number fluctuated.

25 Q What was the range?

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1 A Ten to fifteen.

2 Q On average, how -- how many times per week  
3 would you say that those students were receiving  
4 individual sessions with the social worker?

5 A One to two.

6 Q Is there a standard length of time that  
7 the social worker meets with individual students for  
8 an individual session?

9 A The max is 30 minutes.

10 Q Okay. So, on average, those students  
11 would have been getting one to two times per week  
12 with a social worker, and the maximum amount of each  
13 of those sessions is 30 minutes?

14 A Correct.

15 Q Just turning back briefly to the first  
16 page -- and you read earlier the Rutland Academy  
17 vision statement. Do you see where that is?

18 A Yes.

19 Q And the vision statement mentions -- it  
20 says, "Rutland Academy is an exemplary  
21 student-centered therapeutic environment that  
22 provides a unique blend of psychological,  
23 behavioral, academic, and social services that  
24 empower students to make a successful transition to  
25 the least restrictive environment."

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1 A Yes.

2 Q Where it references psychological services  
3 here, do you see that?

4 A Yes.

5 Q Are there any psychological services that  
6 are provided to Rutland Academy students that we  
7 have not already discussed?

8 A Yes.

9 Q What are those?

10 A Psychological evaluations that the  
11 districts provide for students as -- as needed when  
12 it's time for a redetermination or a reevaluation  
13 and a new psychological evaluation needs to be  
14 completed. The school systems make sure that their  
15 school psychologists come over and provide those  
16 psychological evaluations for the students.

17 Q Okay. So the -- so school psychologists  
18 from local school districts perform psychological  
19 evaluations for Rutland Academy students?

20 A That is correct.

21 Q Rutland doesn't have a psychologist on  
22 staff?

23 A That is correct.

24 Q And those school psychologists also  
25 provide services to students back in -- in their



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1 local school districts?

2 A Yes, that's correct.

3 Q Anything else included in this reference  
4 to psychological services apart from that?

5 A Not other than that and the group therapy  
6 and individual therapy --

7 Q Okay.

8 A -- that we provide as well as partnering  
9 with the agencies that come in and provide the  
10 counseling as well.

11 Q And the agencies you're referencing are  
12 the ones that we discussed earlier that Rutland  
13 collaborates with?

14 A That is correct.

15 Q Okay. Moving back to the third page where  
16 we were on the "Frequently Asked Questions,  
17 continued" --

18 A Mm-hmm.

19 Q -- there's a question that reads -- and do  
20 you see it's -- it's in a yellow box -- it says,  
21 "What is the average length of stay for GNETS  
22 students?"

23 A Yes.

24 Q How does this flyer answer that question?

25 A It indicates that our students have

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1 varying lengths of stay based on their academic --  
2 behavioral, academic, and emotional needs. Our goal  
3 always begins with returning students to the regular  
4 education setting. And that we work with -- we work  
5 closely with our school systems in transitioning  
6 students back to their home schools when their home  
7 school -- when students are ready -- sorry. That's  
8 a typo -- when students are ready.

9 Q Do you agree that Rutland's goal always  
10 begins with returning students to the regular  
11 education setting?

12 A Yes.

13 Q So is it fair to say that the therapeutic  
14 support and the social skills training that this  
15 document states Rutland offers are provided with a  
16 goal of returning students to their regular  
17 education setting?

18 A Yes.

19 Q And does "regular education setting" mean  
20 the general education school for which students are  
21 zoned by their home school system?

22 A That is correct.

23 Q This goes on to say, as you read at the  
24 end, that Rutland works closely with our school  
25 systems in transitioning students back to their home

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1 schools?

2 A Yes.

3 Q How does Rutland work closely with school  
4 systems in transitioning students back?

5 A Through -- through the IEP process,  
6 through the IEP team meetings. We meet with those  
7 special education districts as well as the parents  
8 to find out do we feel like, you know, has enough  
9 progress been made, you know, for students to  
10 transition, what would that -- what would those  
11 services look like when they transition back to  
12 their traditional school setting.

13 We -- also school -- the LEAs -- they come  
14 over, and they observe the students. They talk to  
15 the students on a regular basis, just kind of see  
16 how things are going, how things are going for them  
17 here, what kind of things are they -- are they  
18 feeling like they're ready to transition back to  
19 traditional school setting and things of that  
20 nature.

21 So we progress-monitor as well, but we also  
22 meet with the LEAs through the IEP process.  
23 Everything is met -- all the changes as far as when  
24 students are ready is done through the IEP process.

25 Q When students transition back to their

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1 home school systems from Rutland Academy, do those  
2 students receive any ongoing support from the  
3 Rutland Academy GNETS program --

4 A Yes.

5 Q -- while in their local schools?

6 A Yes.

7 Q What kind of support is that?

8 A Well, it varies because some students  
9 transition back partially or for part time, where  
10 they're going back a couple days a week, and then  
11 they eventually get up to three days, to where they  
12 get up to eventually five days.

13 During that transition process, we are -- the  
14 caseload manager here is in communication with the  
15 caseload manager at their traditional school setting  
16 to find out how are things going, to kind of -- to  
17 check in as far as the data and progress monitoring  
18 so that we can meet with the students when they come  
19 back here, on the days that they're here, to talk  
20 about what is -- you know, what kind of things went  
21 well, what kind of things are you needing more  
22 support with, to really gauge if they feel like  
23 there's adequate support provided there.

24 And if it's not, we say, you know, the student  
25 indicated that they're needing to -- to see their

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1 check-in/check-out person more frequently, for  
2 example. And so then those schools -- you know,  
3 those -- those teachers are making sure that those  
4 check-in and check-out people are meeting with those  
5 students more frequently because the students have  
6 indicated that, hey, I'm having issues around third  
7 period.

8 And so we really communicate a lot with the --  
9 with the caseload managers at those school settings  
10 to find out what -- what is working, how are things  
11 going there.

12 And we also like to incentivize students, if  
13 something went really awesome or they -- or that  
14 caseload manager recognizes that a student went over  
15 and beyond to do something great, we're, like, we  
16 want to praise that as soon as they get back here.

17 And then also when they go back and they're --  
18 they're back there for a full transition, we track  
19 the student progress for a whole year afterwards by  
20 communicating -- the caseload manager stays in  
21 communication with the caseload manager at that  
22 traditional school, even when they have made a full,  
23 successful transition back.

24 And there have been times where, if the student  
25 is doing really well or if the student would like us

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1 to participate in a big event, they have a  
2 teacher -- a teacher from here may go or myself or a  
3 coordinator will go to that event so the students  
4 can see that we're still rooting for you once you go  
5 back and you're there full time.

6 Q So you mentioned two kinds of transition.  
7 One was a partial transition?

8 A Correct.

9 Q And so for a partial transition, a student  
10 might go back to their home system for a certain  
11 number of days per week?

12 A Correct.

13 Q And then for the remainder of the time,  
14 they would come here to Rutland Academy?

15 A Correct.

16 Q And then you noted that there are also  
17 full transitions, where a student spends a hundred  
18 percent of their time at their local school system?

19 A Yes.

20 Q How many students transitioned back to  
21 their home schools from Rutland Academy in the  
22 2021-'22 school year?

23 A Three.

24 Q What was the breakdown of those  
25 transitions in terms of whether they were full or

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1 partial?

2 A They all started on a partial because, you  
3 know, based on the IEP team meeting and, you know,  
4 what the parents felt might be the best fit for the  
5 student, as well as what the student thought they  
6 could handle. So they all start on the -- on the  
7 partial, and they -- they gradually got to a full  
8 transition. And the parents have a lot of input on  
9 how many days they thought the student can really  
10 handle, but also the student has input on that as  
11 well.

12 But we work with those administrators from that  
13 school to determine with -- along with the LEA, with  
14 the special ed director or coordinator, to figure  
15 out a plan for how that looks for that particular  
16 student.

17 Q Did all three students move to a full  
18 transition during the 2021-'22 school year?

19 A Yes.

20 Q Are all three of those students going to  
21 continue to be fully transitioned to their home  
22 schools in the coming 2022-'23 school year?

23 A Yes.

24 Q Are there any students that you anticipate  
25 will transition back to their home school during the

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1 coming 2022-'23 school year?

2 A Yes.

3 Q How many?

4 A Two, for certain, if data remains the  
5 same.

6 Q And at what point in the school year do  
7 you expect them to transition?

8 A We will be meeting in August, so for them  
9 to start the transition by the end of August.

10 Q And will that be a partial transition or a  
11 full transition?

12 A Partial to begin with. We're hoping for  
13 more students to transition, but it just kind of  
14 depends on the data.

15 Q When you say it depends on the data, what  
16 data are you referring to?

17 A The social, emotional, and behavioral data  
18 as well as, you know, what the parents have shared  
19 with us as far as how they feel like -- how ready  
20 they feel the student is, as well as how the student  
21 feels they're doing. So we're looking at the data  
22 from, really, how they're doing with coping with  
23 those social, emotional, and behavioral challenges  
24 that made it so difficult for them to be successful  
25 in those school settings prior to coming to us.



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1 Q And then -- almost finished with this  
2 document, and we will take a break after that.

3 But there's a section here on this same page of  
4 the flyer that talks -- that -- that asks the  
5 question, "What kind of training do GNETS staff  
6 have?" Do you see that?

7 A Yeah, I do.

8 Q And what -- what is the response to that  
9 question?

10 A "GNETS programs are committed to  
11 continuous professional learning. Our State  
12 Professional Learning Academy has prioritized the  
13 following training areas," which is, "Student  
14 Achievement Model, Life Space Crisis Intervention,  
15 Mindset, Developmental Therapy, Trauma Informed  
16 Care."

17 Those are just a few, though. You can't put  
18 all of them on that flyer.

19 Q What is the State Professional Learning  
20 Academy?

21 A That was what we previously -- this is  
22 what we call that this coming year. But it's kind  
23 of what we call our professional learning calendar,  
24 basically. Some of the things that we're doing for  
25 our professional learning. It wasn't something that

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1 was from the State. We just kind of -- that used to  
2 be the name of our trainings, our -- just our plan.

3 Q That's a Rutland Academy calendar?

4 A Correct, correct.

5 Q Okay. So for the Student Achievement  
6 Model, what is the Student Achievement Model?

7 A It is a behavior management system that  
8 identifies those particular social skills. It has  
9 the steps to those social skills, and it also is in  
10 alignment with those point sheets.

11 So it tells -- it's exactly what -- what are  
12 the students expected to do, how are we going to --  
13 how are we going to make sure that we're teaching  
14 them to do it? What are we saying? How are we  
15 providing proximity control? I -- you know, making  
16 sure that you're -- you're -- what you're saying is  
17 accurate so the students understand what you're  
18 expecting from them.

19 Q Okay. Have all Rutland Academy staff  
20 received training on the Student Achievement Model?

21 A Yes.

22 Q Is it -- is that training mandatory?

23 A Yes.

24 Q Is the training redelivered at any sort of  
25 regular frequency?

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1           A       Yes. Every year it's delivered during  
2 preplanning, and then it's delivered bimonthly  
3 throughout the school year as well.

4           Q       Who delivers that training?

5           A       I do and my -- as well as my coordinator.

6           Q       Okay. Did you receive training on that  
7 model someplace else?

8           A       Yes.

9           Q       Where did you receive training on that?

10          A       It was at another GNETS when I first --  
11 earlier -- at -- at a different -- at another GNETS.  
12 They had a trainer that trained us.

13          Q       Okay. And how did you learn about that  
14 training and come to take that training at another  
15 GNETS program?

16          A       Our -- our then director asked who was  
17 interested in being trainers at the time for the  
18 model that we were implementing.

19          Q       Okay. This mentions Life Space Crisis  
20 Intervention?

21          A       Yes.

22          Q       What is that?

23          A       That is the behavior -- the problem -- the  
24 problem-solving model that our intensive  
25 interventionist utilizes to help students understand

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1 exactly what's going on with their behavior, what  
2 causes them to make certain decisions, and what kind  
3 of specific things would they feel like they need to  
4 put in place so they can be successful in -- in  
5 different settings when those problems arise again.

6 For example, if they did something on the bus,  
7 you know, well, you're going to be on the bus again.  
8 How are you going -- what are you going to do  
9 different? What was the real problem leading into  
10 you getting there?

11 So really it's a problem-solving model to help  
12 them understand their behaviors and the decisions  
13 that go into, like, their behaviors.

14 Q Have all Rutland Academy staff received  
15 training on Life Space Crisis Intervention?

16 A No.

17 Q Which staff have received that training?

18 A Our intensive interventionist that  
19 implements it.

20 Q Anyone else?

21 A No.

22 Q Have you received that training?

23 A I have participated in parts of the  
24 training but not the full training.

25 Q Okay. Has your coordinator received that

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1 training?

2 A No, not full. Not the full training.

3 Q Where did your intensive interventionist  
4 receive that training?

5 A It was with one of our GNETS, another one  
6 of our GNETS that -- well, they had a trainer that  
7 was -- they came in and provided that training.

8 Q And how did you learn that that GNETS  
9 program was having a trainer to come in and provide  
10 the training?

11 A A different -- one of our former directors  
12 knew of it and had that person trained.

13 Q All right. And that -- the former  
14 director had the intensive interventionist trained  
15 at that time?

16 A Correct.

17 Q That was before you were the director?

18 A Correct.

19 Q Is that training redelivered to your  
20 intensive interventionist on any schedule?

21 A Yes. Every three years, I believe.

22 Q Okay. The next training area is Mindset?

23 A Yes.

24 Q What is that?

25 A That's a verbal and physical de-escalation

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1 of crisis management of crisis. It's a curriculum.

2 Q Does that relate to restraints in any way?

3 A It does.

4 Q And how so?

5 A It teaches you the effective ways to  
6 implement a physical restraint but also the  
7 proactive strategies to do prior to getting there,  
8 which is the four-step counseling model, which is  
9 what do you say, what kind of things can you do to  
10 help them not even get to the point where physical  
11 restraint has to be the intervention that you have  
12 to utilize, because that's the intervention of last  
13 resort.

14 So it really teaches you about the proactive  
15 strategies prior to restraint because that's the  
16 last intervention, so -- that's the intervention of  
17 last resort.

18 So, yes, it teaches you about how to  
19 effectively do a restraint, how to safely do a  
20 restraint, where not and where to do restraints, how  
21 to be just mindful of the fact of, you know, all the  
22 things that come along with what's going on with the  
23 student during that time as well -- as well as  
24 yourself.

25 Q Have all Rutland Academy staff received

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1 training on Mindset?

2 A Yes.

3 Q Is that training mandatory?

4 A Yes.

5 Q Who does your staff receive that training  
6 from?

7 A Me.

8 Q How frequently do you deliver that  
9 training to the staff?

10 A Every year during preplanning and then  
11 every -- and bimonthly as well.

12 Q And I assume you were -- are also trained  
13 on Mindset?

14 A Correct.

15 Q Where did you receive that training?

16 A From the Mindset trainers. Marshall Silas  
17 with the -- sorry -- the name -- but from the  
18 original trainer of the Mindset curriculum. And I  
19 have to go back for that recertification each --  
20 each three years.

21 Q Okay. And how did you come to, sort of,  
22 receive that initial training?

23 A A previous director mentioned -- asked who  
24 was interested in becoming a Mindset trainer for our  
25 school, for our program, should I say.

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1 Q Do you know how that previous director  
2 learned about that training?

3 A Other GNETS as well as other school  
4 systems. A lot of our -- our school systems were  
5 beginning to utilize Mindset.

6 Q This next training area is Developmental  
7 Therapy. What is that?

8 A So the Developmental Therapy training that  
9 they receive is -- is via several different modes,  
10 from us working on learning more about Youth --  
11 Youth Mental Health First Aid as well as  
12 understanding -- really looking at the develop --  
13 developmental -- developmental cycles of students.  
14 We learn about -- you know, we do the BASC -- BASC-3  
15 trainings so that staff members know how to  
16 administer the BASC-3, which is a behavior  
17 assessment for students, as well as just really have  
18 to look at the develop -- different  
19 developmental -- the levels of students when they  
20 come in to school, period, but also how to recognize  
21 the trends across time.

22 Q Have all Rutland Academy staff received  
23 this Developmental Therapy training?

24 A Yes.

25 Q You mentioned Youth Mental Health First



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1 Aid?

2 A Yes.

3 Q Have all of your staff received that  
4 training?

5 A Yes.

6 Q Who delivers that training to them?

7 A I do.

8 Q And are you yourself trained in that?

9 A Yes.

10 Q Where did you receive that training?

11 A I received it -- it -- it was located --  
12 the location was at one of our GNETS as well.

13 Q And how did you learn about that training?

14 A Through the GNETS directors' meetings. I  
15 would go to some of them, even as a coordinator.  
16 And so we -- our previous director knew about it and  
17 asked me if I was interested.

18 Q Okay. And so a training like the Youth  
19 Mental Health First Aid is something that is  
20 discussed at the GNETS directors' meetings?

21 A Yes.

22 Q And that's -- those are those monthly  
23 meetings that we talked about earlier?

24 A Correct.

25 Q Is the training on Youth Mental Health

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1 First Aid for your staff mandatory?

2 A Yes.

3 Q And who decided that that would be  
4 mandatory?

5 A I did.

6 Q You also mentioned the B-A-S-C?

7 A Yes, the BASC.

8 Q The BASC. Okay.

9 A Yes, BASC-3.

10 Q Is that a separate training?

11 A Yes.

12 Q Is all of your staff trained on that?

13 A All the teachers and paraprofessionals are  
14 trained on that.

15 Q Okay. And who delivers that training?

16 A I do.

17 Q And so you yourself are trained in BASC?

18 A Yes.

19 Q Where did you receive that training?

20 A I do not remember. It was much earlier.

21 Q Okay. Is that training mandatory for your  
22 staff?

23 A Yes.

24 Q And who decided it would be mandatory?

25 A Our previous director but also myself.

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1 Q You mentioned that BASC is an assessment?

2 A Yes.

3 Q Is that an assessment that you give at  
4 Rutland Academy?

5 A Yes.

6 Q And how frequently?

7 A Once a year at the minimum.

8 Q Why once a year at the minimum?

9 A We like to make sure that we have updated  
10 BASC information as we are going in to prepare for  
11 an IEP. So an IEP meeting is -- is held annually;  
12 so we want to make sure that there's updated  
13 information for the -- for the IEP.

14 Q And is that BASC training redelivered to  
15 your staff members who receive it with any sort of  
16 regular frequency?

17 A Yes.

18 Q How often?

19 A During preplanning and then two additional  
20 times throughout the school year.

21 Q Okay. And then the last training area  
22 listed here is Trauma Informed Care. What is that?

23 A Trauma Informed Care is a -- it's really  
24 learning how to be a trauma-informed school, which  
25 is to really understand what trauma is and the

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1 multiple ways it affects, not only children, but  
2 also their parents, and how that -- what that  
3 particular trauma could affect who you see when  
4 they come in -- what they -- what they present with  
5 when they come into school.

6 And understanding how to respond to the trauma  
7 and to recognize your own trauma so that you don't  
8 transfer that information and that trauma over to  
9 any student or any other person that you're working  
10 with.

11 Q Have all Rutland Academy staff received  
12 training on Trauma Informed Care?

13 A Yes.

14 Q Who provides that training to them?

15 A I do.

16 Q And so you're also trained in Trauma  
17 Informed Care?

18 A Yes.

19 Q Where did you receive that training?

20 A I received it at one of the GNETS  
21 directors' meetings. We had a trainer that came in  
22 and trained us.

23 Q And the GNETS directors' meetings --  
24 that's one of those monthly meetings?

25 A Correct.

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1 Q Do you know who the trainer was that came  
2 in to train you?

3 A I don't remember her name exactly.

4 Q Okay. Is the Trauma Informed Care  
5 training redelivered to your staff with some regular  
6 frequency?

7 A Yes.

8 Q And how often?

9 A Three times a year, beginning in  
10 preplanning.

11 MS. WOMACK: Okay. I think we can take a  
12 break.

13 THE WITNESS: Okay.

14 THE VIDEOGRAPHER: And we are off the  
15 record at 11:40.

16 (Recess taken.)

17 THE VIDEOGRAPHER: And we are back on the  
18 record at 11:53.

19 Q (By Ms. Womack) Ms. Ngeve, we have talked  
20 a bit about Rutland's vision of providing a  
21 therapeutic environment for students, and I want to  
22 dig a little deeper into the staff that are charged  
23 with doing that.

24 A Okay.

25 Q You said earlier that Rutland had a

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1 maximum of 27 staff during the 2021-'22 school year.

2 Am I remembering that correctly?

3 A Yes.

4 Q How does that staff break down in terms of  
5 the categories of positions that are covered by  
6 those 27?

7 A Elementary -- are you wanting to just know  
8 about -- there's paraprofessionals; there's special  
9 ed teachers; and there's nurse, social worker. Also  
10 intensive interventionists, coordinator, information  
11 specialists, receptionist, myself. And that's --  
12 that's it.

13 Q Okay. You mentioned paraprofessionals?

14 A Yes.

15 Q How many paraprofessionals did you have in  
16 the 2021-'22 school year?

17 A Ten.

18 Q You also mentioned special education  
19 teachers?

20 A Yes.

21 Q How many special education teachers did  
22 you have in the 2021-'22 school year?

23 A Ten.

24 Q And I note earlier you mentioned that  
25 there was a change during the course of the year in

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1 the number of teachers?

2 A Correct.

3 Q Did this number change during the 2021-'22  
4 school year?

5 A Yes.

6 Q And what -- is ten the number that you  
7 started with?

8 A Correct.

9 Q And what did you end the 2021-'22 school  
10 year with in terms of special education teachers?

11 A Nine.

12 Q You also mentioned a nurse?

13 A Yes.

14 Q There is a nurse at Rutland Academy?

15 A Yes.

16 Q Just one?

17 A Yes.

18 Q And that nurse was present for the  
19 2021-'22 school year?

20 A Yes.

21 Q You also mentioned a social worker?

22 A Yes.

23 Q How many social workers does Rutland  
24 Academy have?

25 A One.

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1 Q And that social worker was present for the  
2 2021-'22 school year?

3 A Yes. However, that -- that position -- it  
4 wasn't the same person; but, yes, we had a social  
5 worker the whole school year.

6 Q Okay. So you had one social worker  
7 position for the 2021-'22 school year?

8 A Correct.

9 Q That position was filled by more than one  
10 person over the course of the year?

11 A Correct.

12 Q You said there was also an intensive  
13 interventionist?

14 A Yes.

15 Q Just one?

16 A Correct.

17 Q And that person was on staff for the  
18 2021-'22 school year?

19 A Yes.

20 Q You also mentioned a coordinator?

21 A Yes.

22 Q Is there a longer -- a longer official  
23 title for that coordinator?

24 A Yes.

25 Q What is the coordinator's actual official



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1 title?

2 A Coordinator of -- of instructional and  
3 therapeutic support.

4 Q Okay. And is there just one coordinator  
5 of instructional therapeutic support at Rutland?

6 A Yes.

7 Q That person was on staff for the 2021-'22  
8 school year?

9 A Yes.

10 Q You said Rutland has a receptionist?

11 A Yes.

12 Q Just one?

13 A Yes.

14 Q And that receptionist was on staff for the  
15 '21-'22 school year?

16 A Yes.

17 Q And then you are the director?

18 A Yes.

19 Q And there's only one of you?

20 A Yes.

21 MR. MURPHY: Unfortunately.

22 THE WITNESS: I know; right?

23 Information specialist as well.

24 Q (By Ms. Womack) Thank you.

25 A Mm-hmm.

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1 Q Just one information specialist?

2 A That's correct.

3 Q And that person was on staff for the  
4 2021-'22 school year?

5 A Yes.

6 Q Are there special credentials required for  
7 the paraprofessionals that you hire?

8 A Yes.

9 Q Is there, like, an actual certification?

10 A They have to be -- have to have a  
11 paraprofessional certificate, but there's not  
12 something separate.

13 Q Okay. So paraprofessionals just have to  
14 have a paraprofessional certificate?

15 A Correct.

16 Q And did all of your paraprofessionals in  
17 2021-'22 have that certificate?

18 A Yes.

19 Q What about the special education teachers?  
20 Are there specific credentials or certifications  
21 required for them?

22 A Yes.

23 Q What are those credentials or  
24 certifications?

25 A It varies by their position and the grade

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1 levels in which they teach. They have to have  
2 definitely a teaching certificate, but their  
3 teaching certificate -- the areas of specialty have  
4 to be in alignment with what the area is which they  
5 teach.

6 Q Okay. Did all of your teachers on staff  
7 in the 2021-'22 school year have teaching  
8 certificates?

9 A Yes.

10 Q Did any of your teachers have any sort of  
11 alternative certification?

12 A No.

13 Q Are all ten of the teachers that you  
14 started the 2021-'22 school year with certified in  
15 special education?

16 A Yes.

17 Q What about for the social worker? Are  
18 there specific credentials or certifications  
19 required for that position?

20 A Yes.

21 Q And what are those?

22 A That they have a master's degree in social  
23 work.

24 Q What about the intensive interventionist?  
25 Are there required credentials or certifications for

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1 that position?

2 A Not additional certifications, but they  
3 definitely have to be L -- Life Space Crisis  
4 Intervention-trained.

5 Q Okay. So they have to have Life Space  
6 Crisis Intervention training. No other specific  
7 certifications or credentials required beyond that?

8 A Also a paraprofessional certificate as  
9 well.

10 Q They have to have a paraprofessional  
11 certificate?

12 A Yes.

13 Q For the coordinator of instructional and  
14 therapeutic support, are there any required  
15 credentials or certifications for that position?

16 A They have to have a teaching certificate.

17 Q Anything else?

18 A Not a particular certification, additional  
19 certification; but they have to be able -- be able  
20 to, you know, provide professional and learning  
21 based on what they're trained on here. But no -- no  
22 additional certifications.

23 Q So they have to have a teaching  
24 certificate?

25 A Correct.

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1 Q Do they have to be certified in special  
2 education?

3 A Yes.

4 Q And is your coordinator of instructional  
5 and therapeutic support who was on staff for the  
6 2021-'22 school year certified in special education?

7 A Yes.

8 I would like to add something to one of the  
9 questions regarding staffing.

10 Q Mm-hmm.

11 A I don't think the PE teacher was included,  
12 and that would make one additional staff member that  
13 I don't think was included in that number.

14 Q Okay. The information specialist that you  
15 mentioned --

16 A Yes.

17 Q -- what are the responsibilities of  
18 information specialist?

19 A They fulfill -- they -- they provide  
20 schedules. They develop the schedules, make sure  
21 the student information is accurate that is in  
22 the -- in -- Infinite Campus, they make sure that  
23 the grade reports are done, and they make sure that  
24 they communicate with the LEAs from the different  
25 districts regarding the grading process as well as

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1 making sure that the grades have been submitted to  
2 them.

3 That person also is responsible for making  
4 sure, when a new student or when new staff is  
5 enrolled, that they are entered into Infinite Campus  
6 with a profile, and they also provide any additional  
7 needed items for Social Security Administration,  
8 any -- you know, when they request information  
9 that's in relation to, like, student records as  
10 well.

11 Q What is Infinite Campus?

12 A Infinite Campus is a management system  
13 that holds the student information as well as -- as  
14 far as their grades, schedules, their -- any  
15 information about them: allergies, behavior reports,  
16 discipline reports, progress reports, grades, things  
17 of that nature.

18 Q Okay. The required credentials and  
19 certifications that you just went over for the  
20 various staff positions at Rutland Academy -- are  
21 those documented somewhere in some way?

22 A Yes.

23 Q Where would they be documented?

24 A In their -- in their personnel files as  
25 well as in the human -- with the human resources

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1 records.

2 Q Okay. And when I say the requirements, as  
3 in the job requirements, are the generic job  
4 requirements documented somewhere?

5 A Yes.

6 Q And where is that?

7 A In the staff handbook.

8 Q Okay. Do any of the positions -- do any  
9 of the staff positions for Rutland Academy require  
10 experience in inclusive education settings?

11 A It doesn't -- no, it doesn't require it.

12 Q Do any of the staff positions at Rutland  
13 Academy require experience helping students move  
14 from segregated or self-contained settings to  
15 general education settings?

16 A It's not a requirement that they have  
17 that.

18 Q Do any of the staff positions at Rutland  
19 Academy require prior experience with grade-level  
20 content and standards for learning?

21 A It doesn't require that it is prior,  
22 because some teachers are first-year teachers.

23 Q Okay. In terms of the staff for Rutland  
24 for the upcoming '22-'23 school year --

25 A Yes.

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1 Q -- what changes from the numbers that we  
2 just discussed from last year do you anticipate?

3 A The numbers should be the same. It's just  
4 that we will have it hopefully consistently  
5 throughout the school year.

6 Q Okay. And you did mention earlier that  
7 you're going to have a music therapist this coming  
8 school year?

9 A That is correct.

10 Q And that's a change from last year?

11 A That is correct. That -- the position was  
12 a position last year. It just wasn't filled. It  
13 was never filled last year.

14 Q Okay. And you mentioned earlier that you  
15 do currently have some vacancies for -- for staff  
16 positions; correct?

17 A Correct.

18 Q And am I recalling correctly that there  
19 were two teacher vacancies and two paraprofessional  
20 vacancies?

21 A That is correct.

22 Q What grade levels are the teacher  
23 vacancies at?

24 A One at elementary and one at middle.

25 Q Is it common for you to have vacancies at



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1 Rutland?

2 A No.

3 Q What is the process for hiring new staff  
4 when an opening is created at Rutland?

5 A They're -- they submit a application, or  
6 they submit their resume. Sometimes they don't  
7 submit their application. Depends on where they  
8 found out about the job. If they found out about it  
9 through Teach Georgia, then they may send the resume  
10 directly to me. Sometimes if they find out it  
11 through the RESA website, it directs them to send it  
12 to me, but it also has the application on the RESA  
13 website. So they can actually go ahead and send  
14 out -- do their application as well as a resume, and  
15 they will send those to me.

16 Once I receive those, I go ahead and schedule  
17 the interview. Once we conduct the interview,  
18 follow up with the references. They also submit  
19 written references, but I also follow up with them  
20 by phone to make sure that I speak with them in  
21 addition to receiving their written references.

22 Once we feel like that might be a -- a  
23 candidate we're interested in going with, we submit  
24 the -- the packet of information to our human  
25 resources to make sure that there's nothing that we

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1 haven't -- just make sure that that candidate would  
2 be appropriate going forward to even extend  
3 potential employment to.

4 Once HR reviews everything and they feel, you  
5 know, confident with everything, then we go forward  
6 with the steps of looking -- going to -- you know,  
7 contacting that individual and letting them know  
8 that they're tentatively being offered the position.  
9 We always say tentative because we -- that's pending  
10 background checks and fingerprinting. Then that --  
11 that process happens where we schedule  
12 fingerprinting and background checks.

13 Once those come back appropriate, they go  
14 straight to RESA. They let me know that we have  
15 gotten those back. And then I contact the candidate  
16 to let them know to they're officially, you know,  
17 employed, that we're -- that we're moving forward  
18 with employment.

19 Of course, all that is still pending board  
20 approval because it still has to go through our 13  
21 superintendents of the 13 districts that we serve  
22 because they still have to approve it. It's board  
23 approval pending.

24 And so once we get full board -- board  
25 approval, then we move forward with scheduling

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1 new-hire orientation and getting started with  
2 those -- with everything that comes next with that.

3 Q Okay. So just going back to the beginning  
4 of the process, you mentioned that you personally  
5 review the applications that come in for staff  
6 vacancies?

7 A Yes.

8 Q Does anyone else review those  
9 applications?

10 A Yes.

11 Q Who else reviews applications?

12 A My coordinator as well.

13 Q And then once you and the coordinator have  
14 reviewed the applications, you schedule interviews?

15 A Correct.

16 Q Do you schedule interviews with everyone  
17 who applies for a staff vacancy?

18 A We do.

19 Q Who participates in those interviews?

20 A Myself, our coordinator, and sometimes the  
21 grade-level chair from the grade level in which that  
22 particular individual is applying for.

23 Q Okay. Anyone else?

24 A No.

25 Q And then who makes the decision after an

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1 interview about whether you want to move forward  
2 with submitting a hiring packet to -- to HR?

3 A Ultimately, I do.

4 Q When you said earlier that you submit the  
5 packet to HR, that's HR for the RESA?

6 A Correct.

7 Q And you said that there is sort of a  
8 formal process for what you called board approval?

9 A Mm-hmm. Yes.

10 Q Is that approval by the RESA's board of  
11 control?

12 A Correct.

13 Q And that's a governing body for the RESA?

14 A Correct.

15 Q Are there any positions on your staff for  
16 which you require approval from anyone other than  
17 the RESA board?

18 A No.

19 MS. WOMACK: Ask the court reporter to  
20 mark this document as Plaintiff's Exhibit 212.

21 (Plaintiff's Exhibit 212 was marked for  
22 identification purposes.)

23 Q (By Ms. Womack) Ms. Ngeve, I am handing  
24 you a document that the court reporter has marked as  
25 Plaintiff's Exhibit 212. This is a document that

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1 bears the Bates stamp Rutland 000281. Do you  
2 recognize this document?

3 A Yes.

4 Q Was this document produced by Rutland in  
5 response to the United States document subpoena?

6 A Yes.

7 Q Were you involved in developing this  
8 document?

9 A I was involved, yes.

10 Q What does this document show?

11 A It shows the name of teachers as well as a  
12 coordinator, their term, that term that they were --  
13 the '21-'22 school year term, the offer date, the  
14 certification type, years of experience, and salary  
15 steps.

16 Q Okay. You mentioned that this list  
17 contains the Rutland Academy teachers and the  
18 Rutland Academy coordinator?

19 A Correct.

20 Q Which is the coordinator on this list?

21 A LaToya Tillman.

22 Q Okay. And you mentioned that this also  
23 has certification types?

24 A Yes.

25 Q Looking at Darcy Carter -- do you see that

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1 entry? It's towards the bottom of the list.

2 A Yes.

3 Q And then if you go over, the certification  
4 type says "I5T-4"?

5 A Yes.

6 Q What does that mean?

7 A I'm not exactly sure. That's related to  
8 how it's coded for HR. I'm not exactly sure --

9 Q Okay.

10 A -- the certification.

11 Q Which of the teachers on this list, if  
12 any, are returning to Rutland this coming 2022-'23  
13 school year?

14 A All except one.

15 Q Which is the teacher who is not returning?

16 A Sabrina McAuliff.

17 MS. WOMACK: I would like to have the  
18 court reporter mark this document as  
19 Plaintiff's Exhibit 213.

20 (Plaintiff's Exhibit 213 was marked for  
21 identification purposes.)

22 Q (By Ms. Womack) Ms. Ngeve, I am handing  
23 you what has been marked as Plaintiff's Exhibit 213.  
24 This is a document that bears the Bates stamp  
25 Rutland 000277. Do you recognize this document?

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1 A I do.

2 Q Was that document produced by Rutland in  
3 response to the United States document subpoena?

4 A Yes.

5 Q Were you involved in developing this  
6 document?

7 A Yes, I was involved.

8 Q What does this document show?

9 A It shows previous -- current and previous  
10 staff members, teachers and staff.

11 Q This spreadsheet also contains a column  
12 that says "Cert Type." Do you see that?

13 A Yes.

14 Q And this lists the certifications for the  
15 various staff members that appear on the  
16 spreadsheet?

17 A Yes.

18 Q And then next to that, it says "Term  
19 Date." Do you see that?

20 A Yes.

21 Q What does "term date" -- what does "term  
22 date" signify?

23 A I'm not sure.

24 Q Do you understand this date to be related  
25 in any way to the certification type?

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1 A I don't.

2 Q You don't know one way or the other?

3 A Yeah, I'm not sure of that exactly.

4 Q We started talking a bit earlier about the  
5 number of students served by Rutland Academy, and I  
6 want to turn back to the topic of the students that  
7 your GNETS program serves. You mentioned earlier  
8 that there was a range of 68 to 73 students served  
9 at Rutland Academy for 2021-'22 school year?

10 A Yes.

11 Q And I believe you said that you expect to  
12 serve 72 students at Rutland Academy in the 2022-'23  
13 school year; is that correct?

14 A Yes, to begin with.

15 Q Okay. How do Rutland Academy GNETS  
16 students physically get to the Rutland Academy  
17 facility?

18 A The IEP team makes -- it's an IEP  
19 team-driven decision, but it starts off with  
20 interventions and strategies that are being  
21 implemented within the school system. And typically  
22 a school system has done significant -- a lot of  
23 things to definitely support that student.

24 They move forward then with submitting a  
25 consideration document where they're -- where



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1 they're -- they want a student to be considered for  
2 GNETS services. And at that time several things can  
3 be implemented or could be asked for. They may be  
4 asking for consultative support, which is us coming  
5 out, observing the student and just providing  
6 strategies.

7 Other times they may be asking for us to come  
8 out and observe the student for potential  
9 consideration that -- that a student they may feel  
10 like down the line may need consideration for GNETS  
11 services.

12 So it kind of depends on what additional  
13 services they need when they're submitting. Some  
14 people only -- some districts only submit some  
15 particular -- when they're submitting it, sometimes  
16 it's only for consultative services, and that's a  
17 separate document. That student may or may not ever  
18 come to a GNETS. They just may -- may need support.

19 But then there's some students that they feel  
20 like may at some point need that support; so they  
21 would like to be proactive and get any strategies  
22 and support they can get while that student is still  
23 with them. And so we go out. We observe, provide  
24 any strategies, any recommendations. Sometimes  
25 going out multiple times to provide things to see if

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1 some of those strategies are working, if that's  
2 something they would like, and assisting with any  
3 BIP or FBA development and things of that nature.

4 And then if that's a student that after they  
5 have tried multiple things over, you know, however  
6 periods of time they -- they have done those things,  
7 because it varies for each student, then they may  
8 move forward with wanting just to submit the  
9 consideration student information packet. So  
10 it's -- it's that request for -- for -- for  
11 consideration.

12 So once they submit that, they submit it to us,  
13 we review the -- the documents in it and make sure  
14 that everything is there that's -- that's required.  
15 And then we move forward with communicating with the  
16 LEA to let them know that either, hey, we're missing  
17 some additional things; could you provide those  
18 additional documents; or we move forward with  
19 scheduling a meeting to just consider GNETS as a --  
20 as an option --

21 Q Okay.

22 A -- to serve that student.

23 Q So I want to come back to the --

24 MR. MURPHY: Can I ask a clarification?

25 You were referring to placement, right, not

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1 transportation?

2 MS. WOMACK: No, I -- I'm going to clarify  
3 right now. It's fine.

4 MR. MURPHY: All right.

5 Q (By Ms. Womack) So I do want to talk  
6 about the referral process --

7 A Okay. Sorry. I missed --

8 Q -- which is what it sounds like you're  
9 starting to talk about. I was initially just asking  
10 literally how students physically get from their  
11 homes to the Rutland Academy facility.

12 A I -- I apologize. Thanks for that  
13 clarity. They're transported by their school  
14 systems. They have a school -- a bus that comes  
15 from each school system that transports them to  
16 Rutland.

17 Q Okay.

18 A Sorry.

19 Q Do any students come to Rutland as car  
20 riders?

21 A Some, yes.

22 Q In terms of the breakdown, what percentage  
23 of Rutland Academy GNETS students would you say ride  
24 the bus versus ride cars?

25 A 98 percent ride the bus. 2 percent are

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1 car riders.

2 Q Okay. And who provides that bus  
3 transportation?

4 A The LEAs, our school systems that we  
5 serve.

6 Q What time do buses drop off at Rutland in  
7 the morning?

8 A They begin dropping off at 8:00, so 8:00  
9 o'clock -- between 8:00 o'clock and 8:25 normally  
10 all buses are -- have dropped off students.

11 Q What time do they pick up students in the  
12 afternoon?

13 A They begin at 2:30. Usually by 2:45 all  
14 buses have been -- have picked up students.

15 Q What was the longest bus ride, in terms of  
16 time, for a Rutland Academy GNETS student during the  
17 2021-'22 school year?

18 A That -- that varies, just because -- I  
19 don't know the exact length of the -- the longest.

20 Q Do you have any sense of how long GNETS  
21 students who come to your program are on the bus?

22 A Yes, anywhere from 30 -- 30 minutes -- 30  
23 to 60 minutes.

24 Q Are there any students who ride the bus  
25 for longer than 60 minutes?

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1 A Not that -- no, not that I'm aware of.

2 Q Do you anticipate that range being the  
3 same for the coming 2022-'23 school year?

4 A Not exactly.

5 Q And why is that?

6 A Some students are much closer; so some  
7 students will be on the bus as little as ten  
8 minutes.

9 Q Mm-hmm. Do you expect that this coming  
10 school year that there may be some students who have  
11 that 30- to 60-minute bus ride?

12 A Yes.

13 Q Do any of the students who attend Rutland  
14 Academy have to deal with any sort of a -- a busing  
15 hub where they transfer buses someplace closer to  
16 their local school district and get on a second bus  
17 to come to Rutland? Are you aware of that?

18 A No.

19 Q Okay. As a general matter, do buses that  
20 transport students to Rutland Academy pick those  
21 students up at their homes or elsewhere?

22 A At their homes.

23 Q Are there any Rutland Academy students who  
24 are released before the official end of the school  
25 day to be transported back home?

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1 A Yes.

2 Q And under what circumstances would that be  
3 true?

4 A Their schedule via the I -- based -- based  
5 on their IEP.

6 Q So when you say based on their IEP, are  
7 those students who are receiving just partial-day  
8 services?

9 A Correct.

10 Q And in terms of partial-day services, are  
11 those students returned home after their partial  
12 day, or is there anywhere -- anywhere else that they  
13 might be going to?

14 A They return home.

15 Q Okay.

16 A There's only one. There was -- there  
17 wasn't a -- yeah, home.

18 Q Okay. How many students in the 2021-'22  
19 school year were on a partial-day schedule?

20 A One.

21 Q How long did that student attend school at  
22 Rutland Academy on any given day?

23 A 8:30 to 1:30.

24 Q So there was a bus that picked that  
25 student up at 1:30 to transport them home?

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1 A Correct.

2 Q Do you anticipate any students being on a  
3 partial day this coming school year?

4 A Yes.

5 Q How many?

6 A One.

7 Q Is that the same student?

8 A Correct, yes.

9 Q Do you anticipate the schedule being the  
10 same?

11 A Yes.

12 Q What's the grade level of that student?

13 A They're a high school student. Tenth  
14 grade.

15 Q Is that student in the multi-age  
16 classroom?

17 A Yes.

18 Q You have been working at Rutland Academy  
19 for -- for quite some time; is that fair?

20 A Yes.

21 Q During the time you have worked at  
22 Rutland, what's been the shortest length of stay for  
23 a GNETS student that you recall?

24 A A month.

25 Q So there was a student who came for a

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1 month and then was transitioned back to their home  
2 school after a month?

3 A That's correct.

4 Q How recently was that?

5 A Two years ago.

6 Q And during the time that you have worked  
7 at Rutland Academy, what has been the longest length  
8 of stay for a student?

9 A Let me ask a clarifying question. Are you  
10 asking about the longest -- the longest period of  
11 time that they stayed here without transitioning at  
12 all throughout that time, or are you just asking  
13 about the longest -- longest length of stay with the  
14 potential of them transitioning in between that  
15 time?

16 Q Let's -- let's answer both questions. So  
17 first why don't you tell me what's the longest  
18 length of stay you have experienced in your time at  
19 Rutland with a student coming and remaining at  
20 Rutland without being transitioned back to their  
21 home school?

22 A Six years.

23 Q And what is the longest length of stay for  
24 a student that has been placed at Rutland who may  
25 have been transitioned back to their home school and



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1 wasn't successful and they came back to Rutland?

2 How would that change that longest length of stay?

3 A A year and a half.

4 Q Can you explain that answer?

5 A Yes. They're students that we work really  
6 hard to try to get them to be at the place of being  
7 ready to transition, you know, as soon as they have  
8 shown that they're ready. And so usually we try to  
9 start that as soon as we can as far as, like,  
10 looking at are they ready, have they met -- you  
11 know, have they been -- made -- making adequate  
12 data -- adequate progress, should I say.

13 And normally, once they have been here for a  
14 year, we're trying to start thinking about, hey, are  
15 we getting close to that place? And normally,  
16 like -- so a year and a half is normally when we at  
17 least attempt one. If -- like, that's been the  
18 longest that I can remember.

19 Q So just so I understand, are you saying  
20 that the longest -- the longest in your experience a  
21 student has been at Rutland without an attempt to  
22 try to transition them back is a year and a half?

23 A That I can recall, yes.

24 Q Okay. So there have not been students, in  
25 your experience, who have gone longer than that

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1 without being transitioned back?

2 A There -- we talked about that initially.  
3 The initial question that you asked was about how  
4 long some students have been here without  
5 transitioning back; correct? I just want to make  
6 sure I'm understanding that because I don't want  
7 to --

8 Q Yeah, you told me six years --

9 A Correct.

10 Q -- and then when I asked you --

11 A Because that's without transitioning,  
12 without --

13 Q Right. So six years without  
14 transitioning --

15 A Correct.

16 Q -- six years at Rutland, you haven't gone  
17 back to your home school; right?

18 A Yeah, despite multiple attempts to try to  
19 get to -- get to that point.

20 Q Okay. So then I think we're talking  
21 backwards --

22 A I want to make sure --

23 MR. MURPHY: When you say "multiple  
24 attempts," an attempted transition is what we  
25 need to clarify.

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1 THE WITNESS: Okay. So we -- we always  
2 make attempts once we -- when we get to the  
3 point where at IEP team meeting we start  
4 talking about, okay, let's -- you know, we feel  
5 like -- are we feeling like we're ready to try  
6 this?

7 And what we notice, when we start talking  
8 about it with a lot of our students is their  
9 behavior starts declining drastically. And the  
10 parents are, like, no, no, no, no, we're not  
11 doing this yet. We're not -- we're not at that  
12 point yet.

13 So we make those attempts as far as what  
14 we're -- we're discussing it. Throughout that  
15 six years, that -- that has been attempted. We  
16 have discussed it. Let me -- let me clarify  
17 that. We have discussed them going back, but  
18 then we start seeing -- when students know --  
19 when you start talking about that with some  
20 students, their behavior start declining  
21 drastically; so we didn't get to the point  
22 where they were actually able to make the  
23 transition during that time because, when you  
24 start talking about it, the behavior start  
25 escalating again.

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1                   They're, like -- you know, they're -- so  
2                   the parents and the team end up saying, okay,  
3                   well, let's just wait before we start this  
4                   process.

5                   MS. WOMACK: Okay.

6                   MR. MURPHY: But, now, when you talk about  
7                   attempted transitions, you're talking about --

8                   THE WITNESS: When they actually --

9                   MR. MURPHY: -- trying to send them back  
10                  to their home schools?

11                  THE WITNESS: Yes. So that would be a  
12                  year and a half.

13                  MR. MURPHY: Like, physically they  
14                  went there?

15                  THE WITNESS: Yes. So that would be --

16                  MR. MURPHY: Am I right? Am I  
17                  understanding the question?

18                  THE WITNESS: When they actually went.

19                  Q        (By Ms. Womack) So just to clarify, the  
20                  longest period of time, in your experience at  
21                  Rutland Academy, that a student has continuously  
22                  been at Rutland Academy without physically going  
23                  back to their home school system, six years?

24                  A        Correct.

25                  Q        Okay. The question that I want you to

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1 answer next is what is the longest length of time  
2 you have been a -- you have been familiar with a  
3 student spending time at Rutland Academy where the  
4 student may have attempted to physically go back to  
5 their home school and it was unsuccessful and they  
6 came back to Rutland? How many, sort of, years --  
7 across how many years of experience would you  
8 say they're -- what's the longest length of stay for  
9 that situation?

10 MR. MURPHY: Are you following?

11 THE WITNESS: Yeah. Yes, I -- I do.

12 MR. MURPHY: Okay.

13 THE WITNESS: A year and a half when we --  
14 when they actually go make an attempt.

15 Q (By Ms. Womack) Okay. Okay. Do you  
16 track the average length of stay for a student in  
17 your GNETS program in any way?

18 A Yes.

19 Q And how do you -- how do you do that?

20 A We have had it -- we had it -- we have had  
21 it on a spreadsheet for the student -- with the  
22 student information, student information on a  
23 spreadsheet -- well, let me answer that and say,  
24 yes, we have. However, when we had a cyber attack  
25 in the fall, then we lost a lot of data that was in

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1 there.

2 But there was a student information tracking  
3 form that showed how long students went back, how  
4 long they stayed, you know, what happened with them  
5 there as well. We had a student information sheet  
6 that had that information on there.

7 Q Mm-hmm.

8 A We kept it updated.

9 Q Did you regularly review average length of  
10 stay data?

11 A Yes.

12 Q How often did you review that data?

13 A We review it definitely four times a year  
14 each -- each year at that point because we were --  
15 we would do it during leadership team meetings. We  
16 would, like, look at it and then sometimes talk  
17 about it, sometimes more frequently with LEAs,  
18 depending on the individual students.

19 Q And when you were looking at that average  
20 length of stay data, were you kind of looking at  
21 aggregate data in terms of, like, overall across,  
22 you know, all the students that we serve, this is  
23 what the average length of stay looks like right  
24 now, or was it more on an individual  
25 student-by-student basis?

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1 A It was more on a district-by-district  
2 basis.

3 Q Okay. So groups of students according to  
4 what their home school system was?

5 A Correct.

6 Q And did you discuss any of that average  
7 length of stay data with anyone?

8 A Yes.

9 Q Who would you discuss that with?

10 A Our leadership team as well as the -- the  
11 district, the LEAs.

12 Q When you say "leadership team," the  
13 leadership team at Rutland Academy?

14 A Correct.

15 Q Who is on that leadership team?

16 A Myself, the coordinator, our intensive  
17 interventionist, as well as our specialist teacher,  
18 PE teacher, social worker, and previous -- and we  
19 have also had paraprofessionals on the -- on the  
20 leadership team as well and grade-level chairs.

21 Q Have you had students at the Rutland  
22 Academy GNETS program who leave to transition back  
23 to their home schools and then come back to Rutland  
24 again?

25 A Yes.

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1 Q How often does that occur?

2 A I can't say exactly how often because it's  
3 so different from year to year. It's not always  
4 exactly the same.

5 Q Do you have an approximate percentage of  
6 the students who attempt to transition back to their  
7 home schools who then return to Rutland?

8 A Not, not right off the top of my head, no.

9 Q Are there any markers or time periods in  
10 terms of the length of time a student has been at  
11 Rutland Academy that trigger any sort of different  
12 evaluation to look at the necessity of their being  
13 kept at Rutland Academy?

14 A Yes.

15 Q What are those, like, markers or time  
16 periods that trigger that?

17 A Typically after a student has been here  
18 for at least three years, we start talking about it  
19 and -- with the LEAs about, like, if a new  
20 evaluation might be needed, such as a new  
21 psychological might be needed, and then we discuss  
22 it, of course, with the parents as well and discuss  
23 it during that -- the IEP meetings.

24 Q For students who have been here longer  
25 than three years, do you talk about anything other



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1 than whether a new evaluation is needed?

2 A Yes.

3 Q What other things would you talk about?

4 A Ongoing trauma, current triggers in the  
5 home, change of placement, loss of -- loss of family  
6 members, ongoing things that are happening that are  
7 keeping the students from making the progress -- the  
8 progress we would like for them to make.

9 Q And when you say you start talking about a  
10 new evaluation, whether that's needed, what would a  
11 new evaluation show you relative to a student who  
12 has been at Rutland for longer than three years?

13 A Sometimes it shows that their severity  
14 or -- or some of the things that they came in with  
15 as far as maybe they were emotional -- they were a  
16 served on emotional behavior disorder when they  
17 first came, but maybe with a new evaluation, it may  
18 be determined that there's something else going on  
19 with the student at that time. And we have to  
20 decide as the IEP team what services may be the best  
21 for that student at that time.

22 So it just gives us new information to kind of  
23 look at all other areas other than just the data we  
24 collect here.

25 Q Okay. Any other markers or time periods

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1 other than that three-year mark that trigger any  
2 sort of additional --

3 A I mean, sometimes it's -- it just varies  
4 based on the student. Sometimes those discussions  
5 are happening after it's been one year. Just  
6 depends on the district as well as the student.

7 Some LEAs will want to know, you know, do we --  
8 do we feel like we might need to look at something  
9 else? Do we need -- you know, just kind or depends  
10 on the individual basis.

11 But normally, for us, we're starting thinking  
12 about like, you know, how much -- you know, do we  
13 feel like we have enough information to continue  
14 with the student being in our placement after three  
15 years with us.

16 But LEAs often will kind of ask -- and they --  
17 they come over and see the student and everything,  
18 and they will ask, you know, do you think that maybe  
19 we could be looking at transitioning in the next  
20 school year? So they're constantly discussing those  
21 things too; so it's not only at the three-year mark.  
22 Sometimes LEAs just, you know, ask those questions,  
23 come over, start discussing it with parents, talking  
24 about different placements that could be available  
25 in those districts as well.

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1 Q Okay. Are you aware that some of the  
2 Rutland records indicate that there are Rutland  
3 GNETS students who have had lengths of stay as long  
4 as 12 years?

5 A Not to my -- not that I remember.

6 Q Does that surprise you?

7 A Yes.

8 Q What about lengths of stay as long as ten  
9 years? Does that surprise you?

10 A Not -- not -- no. No, not -- not if  
11 their -- if their transition has been attempted  
12 throughout the years, which is often the case with  
13 some of those students that have had -- been here  
14 longer --

15 Q Mm-hmm.

16 A -- so --

17 MS. WOMACK: I'm going to ask the court  
18 reporter to mark this document as Plaintiff's  
19 Exhibit 214.

20 (Plaintiff's Exhibit 214 was marked for  
21 identification purposes.)

22 Q (By Ms. Womack) Ms. Ngeve, I am handing  
23 you what has been marked as Plaintiff's Exhibit 214.  
24 This is a document that bears the Bates stamp  
25 Rutland 002932. Do you recognize this document?

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1 While you're reviewing, let me also just say  
2 for the record this is a document that was produced  
3 by Rutland Academy in response to the United States  
4 document subpoena. I'm going to represent to you  
5 that the file name for this document that was  
6 provided electronically to the United States was  
7 "19-20 Rutland Academy Enrollment Roster." And as  
8 you will see from the face of the document, we have  
9 redacted students' first and last name as well as  
10 their student ID numbers and dates of birth for  
11 confidentiality reasons.

12 A Yes.

13 Q Does that assist you in --

14 A Yes. I just wanted to look over it  
15 thoroughly. Yes.

16 Q Were you involved in preparing this  
17 document for production in response to the United  
18 States document subpoena?

19 A Yes, I was involved.

20 Q Is this an enrollment roster of Rutland  
21 Academy GNETS students for the 2019-2020 school  
22 year?

23 A Yes, it appears to be.

24 Q And this roster shows each student's grade  
25 level; is that right?

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1 A Yes.

2 Q And their race?

3 A Yes.

4 Q Their gender?

5 A Yes.

6 Q Their home school system?

7 A Yes.

8 Q It also includes the date that they were  
9 initially enrolled in the GNETS program?

10 A Yes.

11 Q And then it does also have an exit date if  
12 they --

13 A Transition.

14 Q -- had exited the program. Do you see  
15 that?

16 A Yes, mm-hmm. Yes.

17 Q This spreadsheet also indicates whether  
18 those students participate in any extracurricular  
19 activities; correct?

20 A Yes.

21 Q And according to this spreadsheet, you had  
22 one kindergartner at Rutland in the 2019-'20 school  
23 year. Is that accurate?

24 A Yes.

25 Q You also had a couple of second-graders,

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1 two -- sorry. You had two first-graders at some  
2 point during that school year?

3 A Yes.

4 Q And you had three second-graders?

5 A Yes.

6 Q If you turn to the second page, which  
7 lists students who are in higher grade levels, is it  
8 accurate that there were nine seniors at Rutland  
9 Academy for the 2019-'20 school year?

10 A Yes.

11 Q Is it fair to say that most of the  
12 students on this Rutland Academy enrollment roster  
13 have a primary disability of EBD?

14 A Yes.

15 Q And is that consistent with your  
16 experience with Rutland Academy enrollment as the  
17 GNETS director?

18 A Yes.

19 Q Looking on the second page, look at the --  
20 I think it's the seventh entry up from the bottom --  
21 there is a Rutland Academy student listed coming  
22 from Elbert County in twelfth grade. Do you see  
23 that entry?

24 A Yes.

25 Q If you look over to the -- on the

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1 right-hand column where it has the enrollment date  
2 and the exit date --

3 A Yes.

4 Q -- it says that student was enrolled on  
5 December 1st, 2009?

6 A Yes.

7 Q And they exited on May 19th, 2021?

8 A That's correct.

9 Q That would indicate that that student was  
10 enrolled for roughly 12 years. Am I doing the math  
11 correctly?

12 A Yes.

13 Q So that -- that student spent the lion's  
14 share of their education at Rutland?

15 A Yes.

16 Q And that's a student whose primary  
17 disability was EBD?

18 A Yes.

19 Q Glancing at the other enrollment and exit  
20 dates on this page, is it accurate that there are  
21 several other students who have had stays at -- at  
22 Rutland Academy that exceed eight years?

23 A Yes.

24 Q Some of them approach ten or twelve?

25 A Yes.

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1 MR. MURPHY: Can you show me which ones  
2 you're talking about?

3 MS. WOMACK: Sure. We can --

4 MR. MURPHY: Tell me about them, just so  
5 they're specific --

6 MS. WOMACK: We can walk through them.

7 MR. MURPHY: -- and we have the data.

8 Yeah.

9 Q (By Ms. Womack) Ms. Ngeve, if you -- sort  
10 of moving up from the entry that we were just  
11 looking at, if you look at the, sort of, nine  
12 entries above that, there is a student at Rutland  
13 Academy. They're coming from Morgan County, an  
14 eleventh-grader, whose primary disability is EBD,  
15 and they were enrolled November 30 of 2011. Do you  
16 see that entry?

17 A Yes.

18 Q And that student -- it says their exit  
19 date from the GNETS program was August 23rd, 2019?

20 A Yes.

21 Q That's a -- a stay of roughly eight years;  
22 is that correct?

23 A Yes.

24 Q If you move three entries above that,  
25 there's a student at Rutland Academy coming from



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1 Clarke County, an eleventh-grader, whose primary  
2 disability is also EBD. There's an entry date into  
3 GNETS of August 6th, 2009. Do you see that?

4 A I do.

5 Q And that student exited GNETS, it says,  
6 October 30th, 2019. Do you see that?

7 A I do.

8 Q And that's a stay of approximately ten  
9 years?

10 A Yes.

11 Q If you look up from that, four additional  
12 entries up, do you see the student at Rutland  
13 Academy coming from Walton County, who is a  
14 twelfth-grader? Student entered GNETS on December  
15 7, 2009, and the exit date is December 13, 2019. Do  
16 you see that?

17 A Yes.

18 Q That's -- that's also a stay of  
19 approximately ten years?

20 A Yes.

21 Q And if you look four entries up from that,  
22 there's a Rutland -- Rutland Academy student coming  
23 from Oconee County, a ninth-grader. That student's  
24 entry date for GNETS is identified as August 4,  
25 2008. Do you see that?

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1 A I do.

2 Q And the exit date from GNETS is identified  
3 as January 31st, 2020. Do you see that?

4 A I do.

5 Q So that student was in GNETS for almost 12  
6 years?

7 A Yes.

8 Q If you go up five more entries from that,  
9 there's a Rutland Academy student from Jackson  
10 County, an eleventh-grader. The date that student  
11 entered GNETS is identified here as August 6th,  
12 2009. Do you see that?

13 A I do.

14 Q And that student was enrolled until  
15 January 28th, 2021. Do you see that?

16 A I do.

17 Q So that student had a stay of almost 12  
18 years; is that correct?

19 A Yes.

20 Q I want to show you one additional  
21 document --

22 MR. MURPHY: Thank you.

23 MS. WOMACK: -- which I would like to have  
24 the court reporter mark as Plaintiff's Exhibit  
25 215.

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1 (Plaintiff's Exhibit 215 was marked for  
2 identification purposes.)

3 THE WITNESS: Thank you.

4 Q (By Ms. Womack) This is -- Ms. Ngeve, you  
5 have been handed Plaintiff's Exhibit 215. This is a  
6 document Bates-stamped Rutland 002934. This is also  
7 a document produced by Rutland Academy to the United  
8 States in response to a document subpoena, and again  
9 I am going to represent to you the file name for  
10 this document that was provided electronically was  
11 "20-21 Rutland Academy Enrollment Roster." And as  
12 with the previous spreadsheet, we have redacted the  
13 students' first and last names as well as their  
14 student ID numbers and dates of birth for  
15 confidentiality reasons.

16 Do you recognize this document?

17 A I do.

18 Q Were you involved in preparing this  
19 document for production in response to the United  
20 States document subpoena?

21 A Yes.

22 Q Is this an enrollment roster of Rutland  
23 Academy GNETS students for the 2020-2021 school  
24 year?

25 A Yes.

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1 Q Does this spreadsheet show the same basic  
2 categories of information for each student as the  
3 enrollment roster that we just reviewed for the  
4 2019-2020 school year?

5 A Yes.

6 Q And am I correct, from looking at the  
7 spreadsheet, that the kindergartner who was enrolled  
8 at Rutland in the 2019-2020 school year remained at  
9 Rutland for the 2020-2021 school year, showing up as  
10 a first-grader on this roster?

11 A Without the name, it's hard to say; but  
12 there is another from the same district in the first  
13 grade at that point.

14 Q Okay. And does that student also have the  
15 same enrollment date in GNETS at the kindergartner  
16 that appeared on the spreadsheet that we looked at  
17 in Plaintiff's Exhibit 214?

18 A Yes.

19 Q And both of those students are coming from  
20 Maysville Elementary School in Jackson County;  
21 correct?

22 A Yes.

23 Q As with the roster for the 2019-2020  
24 school year, is it fair to say that this roster for  
25 the 2020-2021 school year shows that most Rutland

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1 Academy GNETS students have a primary disability of  
2 EBD?

3 A Yes.

4 MS. WOMACK: I would like to ask the court  
5 reporter to mark this document as Plaintiff's  
6 Exhibit 216.

7 (Plaintiff's Exhibit 216 was marked for  
8 identification purposes.)

9 Q (By Ms. Womack) Ms. Ngeve, you have been  
10 handed what has been marked as Plaintiff's Exhibit  
11 216. This document bears a Bates stamp that is  
12 difficult to read, but it's Rutland 000609. And do  
13 you recognize this document?

14 A Yes.

15 Q What is this document?

16 A The graduation data from '18-'19 through  
17 '20-'21.

18 Q And was that document provided by Rutland  
19 in response to the United States subpoena for  
20 documents?

21 A Yes.

22 Q Who prepared this document?

23 A I did.

24 Q You mentioned earlier that it shows the  
25 Rutland Academy GNETS students who graduated in the

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1 2018-'19, 2019-'20, and 2020-'21 school years;

2 correct?

3 A Correct.

4 Q This document also indicates the type of  
5 diploma that each of those students graduated with?

6 A Yes.

7 Q So there was one student who graduated --  
8 there was one Rutland Academy GNETS student who  
9 graduated in 2018-'19; correct?

10 A Correct.

11 Q And what type of diploma did that student  
12 receive?

13 A A general education diploma.

14 Q And then there were -- how many -- how  
15 many Rutland Academy GNETS students graduated in  
16 2019-'20?

17 A Two.

18 Q What kinds of diplomas did those students  
19 graduate with?

20 A A general ed diploma.

21 Q Both of them?

22 A Yes.

23 Q How many -- how many Rutland Academy GNETS  
24 students graduated in the 2020-'21 school year?

25 A Two.

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1 Q And what kind of diploma did those  
2 students graduate with?

3 A A general education diploma.

4 Q There is a third student listed on this  
5 document for the 2020-'21 school year. Do you see  
6 that?

7 A Yes.

8 Q And it says under "Graduated or  
9 Completed," the column "Graduated or Completed,"  
10 that the student "Completed (by age)"?

11 A Yes.

12 Q What does that mean?

13 A That they aged out of being in special  
14 education. They were 22.

15 Q Okay.

16 A So they --

17 Q So they ended their educational career  
18 because they had exceeded the age range that you're  
19 permitted to serve?

20 A Under special education, yes.

21 Q Okay. And under special education, what  
22 is the upper limit of that age range?

23 A Twenty-two. By -- by the time of their  
24 22nd birthday.

25 Q Okay. This says that student received a

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1 completion certificate?

2 A Yes.

3 Q What is a completion certificate?

4 A It's just a certificate, just indicates  
5 that they completed their years of being able to be  
6 in school. It's not a diploma.

7 Q Okay. Understood. This document was  
8 provided to us early in the 2021-'22 school year; so  
9 that portion of this document is not completed. But  
10 how many Rutland Academy GNETS students graduated in  
11 the 2021-'22 school year?

12 A We had two graduates.

13 Q Okay. And what kind of diplomas did those  
14 students graduate with?

15 A A general education diploma.

16 Q For both students?

17 A Yes.

18 Q Were there any students who completed with  
19 a completion certificate in the 2021-'22 school  
20 year?

21 A No.

22 Q Did the students who graduated in the  
23 2021-'22 school year participate in any graduation  
24 ceremony?

25 A Yes, one did.



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1 Q And what graduation ceremony was that?

2 A The ceremony at their school.

3 Q Okay. And the second student did not  
4 participate in a graduation ceremony?

5 A That is correct.

6 And can I -- I would like to go back to that  
7 question. One student graduated. One student did  
8 complete by age.

9 Q Okay.

10 A I apologize. I needed to correct that.

11 Q Okay. No problem. So for the 2021-'22  
12 school year, there was one Rutland Academy GNETS  
13 student who graduated with a general education  
14 diploma?

15 A Yes.

16 Q And then there was a second Rutland  
17 Academy GNETS student who completed with a  
18 completion certificate?

19 A Correct.

20 Q Okay. And am I correct in understanding  
21 that the student who completed with a completion  
22 certificate did not participate in any sort of  
23 ceremony?

24 A We -- we had a ceremony here for both of  
25 our graduates, both of our twelfth-graders that were

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1 leaving.

2 Q Okay.

3 A But they didn't go -- they did not go to  
4 their -- their school.

5 Q And when you say "they," you're referring  
6 to the student with the completion certificate?

7 A Correct.

8 Q The student who received the general  
9 education diploma did participate in the graduation  
10 ceremony?

11 A Yes.

12 Q In their home school?

13 A Yes.

14 Q Do you regularly track which Rutland  
15 Academy students graduate each year?

16 A Yes.

17 Q What do you do with that information?

18 A We previously stored it on our shared  
19 drive, but now we share it -- store it on our new  
20 shared drive as far as the students that graduate.

21 Q And how do you use the information that  
22 you store about which Rutland Academy GNETS students  
23 graduate each year?

24 A We use it as, you know -- for one, we use  
25 it to -- to share with other districts that, you

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1 know, these -- that students are graduating, as well  
2 as the stakeholders that might be interested in how  
3 many students typically graduate from, you know --  
4 you know, while they're in -- in GNETS; so we share  
5 it with them as well.

6 But typically we use it, really, as a  
7 motivation piece for our other students that are  
8 rising twelfth-graders to let them know this number  
9 of students transitioned -- well -- well, graduated,  
10 and this number of students graduated and went to a  
11 post-secondary school after; so it's, like, you can  
12 still go to college.

13 So we use that information, really, to motivate  
14 our students; but mainly we keep it in-house just so  
15 we can make sure that we're kind of tracking, and we  
16 follow back up with those students and find are they  
17 working, are they -- did they get enrolled -- did  
18 they stay with vocational rehab, did they -- are  
19 they needing any additional services that maybe the  
20 district or someone else could possibly provide  
21 through vocational rehab or another agency like  
22 that.

23 Q Okay. And do you also keep records of  
24 what the students who graduated from -- what the  
25 student -- what the Rutland Academy GNETS students

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1 who graduated do after graduation?

2 A Previously we had some -- we had that  
3 information on our information sheet on our -- on  
4 our shared server, yes, as far as, like, if they  
5 went to college or if they're working, yes.

6 Q When you say "previously," was that  
7 information affected by the cyber attack?

8 A It was, yes.

9 Q Have you started recollecting that  
10 information about what Rutland Academy GNETS  
11 students are doing post-graduation?

12 A Yes.

13 Q For the student who graduated with the  
14 general education diploma in the 2021-'22 school  
15 year --

16 A Yes.

17 Q -- did that student go on to any sort of  
18 post-secondary education?

19 A Not as of yet that we're aware of, no.

20 Q Okay. What about for the other students  
21 that are listed in Plaintiff's Exhibit 216? Have  
22 any of those students gone on to post-secondary  
23 education?

24 A Yes, one that we are aware of.

25 Q And during which school year did that

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1 student graduate?

2 A The '19-'20 school year.

3 Q Okay. Do you report information about  
4 which -- or how many Rutland Academy GNETS students  
5 graduate to any other entities outside of having it  
6 here at Rutland Academy?

7 A Yes. We share with -- monthly at LSEAC if  
8 there were any student graduates at the -- when we  
9 meet with all the special ed directors and  
10 coordinators.

11 Q Anyone else?

12 A No.

13 Q Do you share that information with the  
14 State Department of Education?

15 A Not that I can recall.

16 MS. WOMACK: I would like to ask the court  
17 reporter to mark this document as Plaintiff's  
18 Exhibit 217.

19 (Plaintiff's Exhibit 217 was marked for  
20 identification purposes.)

21 Q (By Ms. Womack) Ms. Ngeve, you have been  
22 handed what has been marked as Plaintiff's Exhibit  
23 217.

24 A Yes.

25 Q This document is Bates-stamped Rutland

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1 000606. Do you recognize this document?

2 A Yes.

3 Q What is it?

4 A It's the Drop-Out Data by District and  
5 Year.

6 Q Was that document provided by Rutland in  
7 response to the United States subpoena for  
8 documents?

9 A Yes.

10 Q Who prepared this document?

11 A Myself and my coordinator.

12 Q And you mentioned that this document  
13 identifies the Rutland Academy GNETS students who  
14 have dropped out and the school year in which that  
15 occurred?

16 A Yes.

17 Q This document also identifies for each  
18 student the school system that they came from; is  
19 that right?

20 A That's correct.

21 Q So is it accurate that in 2018-'19 -- in  
22 the 2018-'19 school year, seven Rutland Academy  
23 GNETS students dropped out?

24 A Yes.

25 Q This says six of those were confirmed and

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1 one was unconfirmed. Do you see that?

2 A Correct.

3 Q What does "unconfirmed" mean?

4 A That once they stopped coming to school  
5 and they eventually dropped out, we couldn't  
6 really -- we couldn't reach the family.

7 Q Okay. And so where it says "Confirmed,"  
8 are those situations where you have been in touch  
9 with the family?

10 A Ab -- yes.

11 Q Okay. And then is it accurate that in the  
12 2019-2020 school year there were six Rutland Academy  
13 GNETS students who dropped out?

14 A Yes.

15 Q And all of those were confirmed?

16 A Correct, yes.

17 Q Is it accurate that for the 2020-'21  
18 school year there were three Rutland Academy GNETS  
19 students who dropped out?

20 A Yes.

21 Q And all of those were confirmed?

22 A Yes.

23 Q This document was also produced at the  
24 beginning of the 2021-'22 school year?

25 A Yes.

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1 Q So the drop-out information for that  
2 school year does not appear in this document. That  
3 school year has -- has now concluded; so I wanted to  
4 ask how many Rutland Academy GNETS students dropped  
5 out during the 2021-'22 school year?

6 A Zero.

7 Q Excellent. Do you regularly track the  
8 number of Rutland Academy GNETS students who drop  
9 out?

10 A Yes.

11 Q And what do you do with that information  
12 once you have tracked it?

13 A I communicate with the LEAs. Proactively  
14 I communicate with them when we're starting to  
15 notice a lot of absences, but we normally keep it  
16 in-house but also share it with other LEAs and talk  
17 about if there's any things that we could do to keep  
18 them from dropping out, even if it's going to a  
19 different type of setting or going to, you know,  
20 alternate program of some sort.

21 Q Do you report the numbers of Rutland  
22 Academy GNETS students who drop out to anyone else  
23 apart from -- or do you just -- do you report that  
24 to anyone?

25 A Not other than sharing it with the



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1 districts themselves, no.

2 Q Okay. Does Rutland record the attendance  
3 of each of its students on a daily basis?

4 A Yes.

5 Q How does Rutland keep those records?

6 A It's stored in Infinite Campus.

7 Q And that's the electronic student  
8 management database you referenced earlier?

9 A Yes.

10 Q Who in particular inputs that information  
11 into Infinite Campus for Rutland?

12 A The caseload managers put in the  
13 attendance every morning, and then the information  
14 specialist makes sure that the attendance has been  
15 recorded for the day.

16 Q Okay. In order for a student to count as  
17 being in attendance, what proportion of the  
18 instructional day must they be present?

19 A They have to have been present for at  
20 least the -- at least four hours of the day, if I'm  
21 not mistaken. I'm thinking about my chart in my  
22 head. I think it's four hours.

23 Q Okay.

24 A I don't want to say that wrong, but --

25 Q Are students at Rutland ever sent home due

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1 to problem behavior?

2 A Very rarely.

3 Q Okay. If a student is sent home due to  
4 problem behavior, is that counted as an absence?

5 A No. Because if that were to ever happen,  
6 if that does ever happen, it's normally later in the  
7 day, which means that they can't get on the bus.  
8 They're not going to be able to safely ride the bus.

9 Q Okay.

10 A So they have been here throughout the day.

11 Q Okay. If it were to happen early in the  
12 day, how would that impact that student's attendance  
13 count?

14 A We don't send them home early in the day.  
15 We just keep working with them to try to figure out  
16 how they can de-escalate, because we just make sure  
17 they stay at school as much as possible. So we only  
18 call parents if we know they're not going to be able  
19 to safely ride the bus.

20 Q Okay. On average, what percentage of  
21 Rutland Academy GNETS students are present on any  
22 given day?

23 A 95 percent.

24 Q Does Rutland report daily attendance out  
25 to, like, any other entity?

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1           A       We -- not daily attendance, but we report  
2 weekly attendance to our districts.

3           Q       Does Rutland provide any other attendance  
4 reports to anyone else, apart from those weekly  
5 attendance reports to districts?

6           A       Yes.

7           Q       And who else do you report to?

8           A       The nutrition program manager.

9           Q       And why is attendance reported to the  
10 nutrition program manager?

11          A       Because they have to prepare enough  
12 lunches, and they don't -- they're not cooking  
13 on-site. They're coming in for lunch and breakfast  
14 and things of that nature, and they work from  
15 next-door; so they need to know an exact -- kind of  
16 a good estimate of how many student -- how many  
17 meals they need to prepare for that coming week  
18 based on what we have had. They always prepare a  
19 little bit more, but they always kind of need to  
20 know the range of where -- how our students have  
21 been attending.

22          Q       Okay. And when you say they do it from  
23 next-door, what's next-door?

24          A       That's another school. It's a school  
25 within Clarke County.

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1 Q What school is that?

2 A Oglethorpe Avenue Elementary School.

3 Q So Rutland Academy gets its meals from  
4 Oglethorpe?

5 A Yes.

6 Q Okay. Does Rutland provide any attendance  
7 reports to the State Department of Education?

8 A Not that I can recall.

9 Q Do the attendance rates at Rutland affect  
10 any funding that it receives?

11 A I'm not aware.

12 MS. WOMACK: I would like to ask that the  
13 court reporter please mark this as Plaintiff's  
14 Exhibit 218.

15 (Plaintiff's Exhibit 218 was marked for  
16 identification purposes.)

17 Q (By Ms. Womack) Ms. Ngeve, you have been  
18 handed a document that has been marked as  
19 Plaintiff's Exhibit 218. This is a document that  
20 bears the Bates stamp GA00338047. Do you recognize  
21 this document?

22 A Yes.

23 Q Is this an email that you sent to Vickie  
24 Cleveland on December 14th, 2018, with the subject  
25 line "Re: Enrollment info"?

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1 A Yes.

2 Q And in that email you were responding to  
3 an earlier email that Ms. Cleveland sent to you that  
4 same day; is that correct?

5 A That's correct.

6 Q In that email Ms. Cleveland says, "Data  
7 reflects your current enrollment numbers reported by  
8 you and the FY 18 FTE count. Difference is 37  
9 students. I need to know who the students are that  
10 transitioned back and what services they are  
11 currently receiving and the (location). See  
12 attached spreadsheet. Please send this information  
13 via portal email to me and copy Lakesha by December  
14 18th." Do you see that?

15 A Yes.

16 Q And in this email Ms. Cleveland directs  
17 you to a spreadsheet; correct?

18 A Yes.

19 Q And that spreadsheet follows beneath her  
20 email?

21 A Yes.

22 Q That spreadsheet shows that Rutland's FY18  
23 FTE count is 135, but the numbers it reported as of  
24 December 14th, 2018, were 98 students; correct?

25 A That's what it shows.

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1 Q What does "FTE count" mean?

2 A That's when the count -- the counts are  
3 happening each year for FTE -- the acronym I can't  
4 remember at this exact moment -- but it's the counts  
5 for the districts that the districts actually put in  
6 for funding.

7 Q Okay. And do you know if FTE stands for a  
8 "full-time equivalent"?

9 A I don't know.

10 Q Okay.

11 A I can't remember.

12 Q And so you said there is a connection  
13 between FTE count and funding?

14 A Yes, for the districts.

15 Q And here it looks like the student count  
16 for purposes of determining any such funding was  
17 higher than the student count as of mid-December  
18 2018?

19 A Correct.

20 Q Ms. Cleveland asks you to please send the  
21 information that she's requesting about who the  
22 students are that transitioned back and what  
23 services they're currently receiving via portal  
24 email; is that right?

25 A Yes.

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1 Q What is portal email?

2 A It's the -- the portal for the Georgia  
3 Department of Education. It's a protected -- it's  
4 more of a protected-type email.

5 Q Do you communicate with the Georgia  
6 Department of Education through that portal?

7 A Yes. For -- with Vickie and LaKesha.

8 Q Okay. And then I take it you also  
9 communicate with them by ordinary email as well?

10 A Correct.

11 Q Did you have any understanding of why  
12 Ms. Cleveland needed to know who the students were  
13 who transitioned back and what services they were  
14 currently receiving and the location?

15 A I don't recall.

16 Q Do you have any understanding, sitting  
17 here today, of why she would have needed that  
18 information?

19 A Likely was just because the numbers were  
20 not in alignment as it relate -- related to state  
21 reporting.

22 Q And is that something that Ms. Cleveland  
23 monitors?

24 A I'm unsure if that's a consistent thing --  
25 that's something she consistently monitors, but I

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1 would -- I'm unsure.

2 Q Okay. But in this case, when there was a  
3 misalignment, she reached out to you and asked you  
4 to clarify?

5 A Correct.

6 Q In your email you say, "That's a big  
7 discrepancy. Our numbers have been lower this  
8 school year and we haven't had 137 at one time since  
9 the year started, yet I will get this to you ASAP  
10 (prior to the deadline)." Do you see that?

11 A Yes.

12 Q Did you provide the information that  
13 Ms. Cleveland requested?

14 A I don't remember.

15 Q Would you expect that you would have  
16 provided it?

17 A Absolutely, yes.

18 Q Have you received other sorts of requests  
19 like this from Ms. Cleveland about enrollment at  
20 Rutland Academy GNETS program?

21 A Yes.

22 Q And tell me about those.

23 A If it was reported -- if there was a -- if  
24 the reporting numbers were showing that it was  
25 higher or a different number from what we had, she



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1 would want us to -- want me to find out exactly why  
2 there was a discrepancy.

3 Q Mm-hmm.

4 MS. WOMACK: I'm going to ask the court  
5 reporter to mark this as Plaintiff's Exhibit  
6 219.

7 (Plaintiff's Exhibit 219 was marked for  
8 identification purposes.)

9 Q (By Ms. Womack) Ms. Ngeve, you have been  
10 handed a document that is Bates-stamped GA00338196.

11 A Yes.

12 Q Do you recognize this document?

13 A Yes.

14 Q Is this an email from you to Vickie  
15 Cleveland dated December 18th, 2018, with the  
16 subject "Re: Clarification on enrollment info"?

17 A Yes.

18 Q Is it accurate that in this email you  
19 follow up with Ms. Cleveland to let her know that  
20 you are having difficulty getting into the portal?

21 A Yes.

22 Q And this email follows the earlier email  
23 exchange between you and Ms. Cleveland that we  
24 discussed in Plaintiff's Exhibit 218?

25 A Yes.

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1 Q Is it accurate that Ms. Cleveland says to  
2 you in her email to you in this chain, "The FY 18  
3 FTE count is the number of students that received  
4 GNETS services at your site during the 2017-18  
5 school year"?

6 A Yes.

7 Q And then she asks you to provide some  
8 information on an attached spreadsheet; is that  
9 correct?

10 A Yes.

11 Q What's the information that she asks you  
12 to provide on that spreadsheet?

13 A "Student name; Date of transition IEP  
14 meeting where it was recommended that the students  
15 no longer receive GNETS services at your location;  
16 List only the IEP services recommended at the  
17 transition IEP meeting if the student returned to  
18 the home school NOT the current services; Please  
19 answer the question regarding WD, DJJ, residential  
20 placement, graduated, drop out, etc."

21 Q Okay. And farther down she says, "If the  
22 students are no longer receiving GNETS services at  
23 your sites, the bottom line is we need to know where  
24 did the students go. I need this info for students  
25 that were enrolled during the 2017-18 school year.

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1 However, you need to start tracking this same data  
2 for this school year (2018-19) if you are not  
3 already doing so. Please use this format. It will  
4 be required as part of your Strategic Plan Review  
5 documentation in the spring."

6 Do you see that?

7 A I do.

8 Q Did you later provide the information to  
9 Ms. Cleveland that she was requesting?

10 A I don't remember.

11 Q Do you expect that you would have provided  
12 that information?

13 A Yes.

14 Q Did you begin tracking this same data that  
15 she asks you for in this email?

16 A I don't remember, since it was 2018. I'm  
17 not sure.

18 Q Do you currently track any of this  
19 information?

20 A Yes.

21 Q Is any of this information required as  
22 part of your strategic plan review documentation?

23 A It was -- it has been, yes.

24 Q Okay. And we will talk a bit more about  
25 this strategic plan later.

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1 MR. MURPHY: We're right at 90 minutes  
2 since we restarted. Do you want to --

3 MS. WOMACK: If you don't mind, I have one  
4 more document on this section that we can maybe  
5 quickly get through it. It should be pretty  
6 short, and then we can break for lunch.

7 MR. MURPHY: Are you good?

8 THE WITNESS: Yeah.

9 MS. WOMACK: Okay. I would like to have  
10 the court reporter please mark this as  
11 Plaintiff's Exhibit 220.

12 (Plaintiff's Exhibit 220 was marked for  
13 identification purposes.)

14 THE WITNESS: Thank you.

15 Q (By Ms. Womack) Ms. Ngeve, you have been  
16 handed what is marked as Plaintiff's Exhibit 220.  
17 This document is Bates-stamped GA00338315. Do you  
18 recognize this document?

19 A Yes.

20 Q Is this an email from you to Vickie  
21 Cleveland dated January 3rd, 2019, with the subject  
22 "Portal Access"?

23 A Yes.

24 Q In this email you write to Ms. Cleveland,  
25 and you say, "Happy New Year!!! This is what I

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1 currently have access to." Do you see that?

2 A I do.

3 Q And above that, does it appear to you that  
4 this is a screenshot of what you have access to in  
5 the portal?

6 A At that time, yes.

7 Q Okay. That was what you had access to at  
8 that time?

9 A Yes.

10 Q Is this the Georgia Department of  
11 Education portal that you previously said you use to  
12 communicate with the State Department of Education?

13 A Yes.

14 Q So I just want to walk through the  
15 sections of your screenshot. Do you see sort of in  
16 the second section of tabs there, there's one called  
17 "Consolidated Application"?

18 A Yes.

19 Q What is that tab for?

20 A That's not something I really use as much;  
21 so I'm not as familiar.

22 Q Okay. So you don't use the Consolidated  
23 Application tab?

24 A I'm not saying I haven't. It's just not  
25 something I can remember exactly what all goes in

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1 that Consolidated App tab.

2 Q Okay. Do you currently use that tab at  
3 all?

4 A Not that I can remember. Things have  
5 changed a little bit as far as how the information  
6 is -- looks on my screen; so I'm trying to remember  
7 the exact way it is.

8 Q Okay. What about the next tab, which says  
9 "Special Education Annual Reports"? Do you use that  
10 tab, or did you use that tab?

11 A I'm not sure. Again, since it's been --  
12 since the system has been updated and I see more, I  
13 can't always -- I can't remember exactly what I see  
14 when I -- when I use that, when I log in and  
15 where -- what I click on. I usually have to use my  
16 notes.

17 Q Is there anything in this screenshot that  
18 you still currently see when you log in to the  
19 portal?

20 A Yes.

21 Q What are the things in this screenshot  
22 that you still currently see?

23 A Again, this is just me going off memory  
24 because I -- based on what I -- what I know that --  
25 that I can see, it's definitely Northeast Georgia

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1 RESA, Home, Logout. I believe I still see  
2 Consolidated App, Special Education Annual Reports.  
3 And I'm not as -- a hundred percent sure on the  
4 others.

5 Q Okay. So you see Consolidated Application  
6 and Special Education Annual Reports, but you don't  
7 use either of those tabs?

8 A I don't want to say I don't use them. I  
9 need to kind of be in front of my computer to see  
10 it. And without looking at it directly, I'm not  
11 sure. I don't use this site as often.

12 Q Okay. Does anyone else on the Rutland  
13 Academy GNETS staff use this portal?

14 A No, not Rutland Academy.

15 Q You're the only one?

16 A Yes.

17 Q Okay. And what kind of -- what do you use  
18 the portal for?

19 A When we do our grant application, as well  
20 as strategic plan.

21 Q Anything else?

22 A And email correspondence but not -- other  
23 than that, that's the main thing.

24 Q And when you say "email correspondence,"  
25 with whom do you correspond by email through the

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1 portal?

2 A Testing coordinators from the districts if  
3 they need to send something regarding testing that's  
4 confidential. Them as well as Vickie or LaKesha  
5 from the State Department.

6 Q Okay. Anyone else?

7 A No.

8 MS. WOMACK: Okay.

9 Okay. I think we can break for lunch, if  
10 that works for everyone.

11 THE WITNESS: Okay.

12 MR. MURPHY: Okay.

13 THE VIDEOGRAPHER: We are off the record  
14 at 1:28.

15 (Luncheon recess taken.)

16 THE VIDEOGRAPHER: And we are back on the  
17 record at 2:10 p.m.

18 Q (By Ms. Womack) Ms. Ngeve, before we  
19 broke for lunch, we were talking a little bit about  
20 the students at Rutland GNETS Academy. Do you  
21 recall that?

22 A Yes.

23 Q And sort of at the beginning of that  
24 conversation, you started to tell me a little bit  
25 about the referral process and how students come to



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1 be at Rutland GNETS Academy. Do you recall that?

2 A Yes.

3 Q And I believe when you were beginning to  
4 explain that, it sounded like there are sort of two  
5 separate types of forms or documents that you use:  
6 one for students who are being considered for GNETS  
7 services and the other that is more of a  
8 consultative request. Am I summarizing that  
9 accurately?

10 A That's correct.

11 Q Okay. So I want to talk first about that  
12 request for consultative services.

13 MS. WOMACK: I am going to ask the court  
14 reporter to mark this as Plaintiff's Exhibit  
15 221.

16 (Plaintiff's Exhibit 221 was marked for  
17 identification purposes.)

18 Q (By Ms. Womack) Ms. Ngeve, you have been  
19 handed what's been marked as Plaintiff's Exhibit  
20 221. It bears a Bates stamp of Rutland 000297. Do  
21 you recognize this document?

22 A Yes.

23 Q What is this document?

24 A This is a document, GNETS Request for  
25 Consultation. It's a Request for GNETS Consultation

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1 form.

2 Q Did you create this document?

3 A No.

4 Q Who created this document?

5 A GNETS directors, along with the State  
6 Department for GNETS.

7 Q And do you know if this is a document  
8 that's used across various GNETS programs?

9 A Yes.

10 Q How did you -- how did you first receive  
11 copies of this document?

12 A They were sent via email to our former  
13 director, and she shared it with us -- with me.

14 Q Okay. So you first became familiar with  
15 this form through your former director at Rutland  
16 Academy?

17 A Yes.

18 Q And does Rutland Academy use this  
19 document?

20 A Yes.

21 Q And what is the document used for?

22 A It's for -- it's when districts would like  
23 to request for consultative support from Rutland  
24 Academy.

25 Q When districts want to request

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1 consultative services from Rutland Academy, do they  
2 create this document -- or I'm sorry -- do they  
3 complete this document?

4 A Yes, they complete the document.

5 Q Okay. What happens to the document after  
6 they complete the document?

7 A They send it to me.

8 Q Okay. And what do you do once you receive  
9 this document?

10 A I contact the special education director,  
11 and I schedule a time for the consultation.

12 Q And when you say you schedule a time for  
13 the consultation, it's whatever consultation that  
14 particular director has requested?

15 A That's correct.

16 Q Okay. What happens after you schedule the  
17 consultation?

18 A Then I go out and I provide the  
19 consultative services that they're requesting.

20 Q Do you keep records in any way of the  
21 consultative services that you go out and provide?

22 A Yes.

23 Q And how do you record those?

24 A I document what I -- what -- what work I  
25 did with them, if it's -- if it's an observation, I

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1 document that information, what I saw in the  
2 observation, any new recommendations, any  
3 suggestions for the setting, or anything that might  
4 be helpful for that student in that particular  
5 setting or that classroom structure. And then I  
6 provide that the special ed director and the --  
7 anyone else they designate to have that information,  
8 such as the school administrators.

9 Q Okay. Do you keep -- do you maintain  
10 records at Rutland Academy of each consultation?

11 A Yes.

12 Q Are those records maintained  
13 electronically? in paper form? How is that done?

14 A Both.

15 Q Both. So it's a paper form, and then you  
16 also retain it electronically?

17 A Yes.

18 Q Okay. Are you personally responsible for  
19 maintaining those records?

20 A Myself, as well as our coordinator, yes.

21 Q Okay. On this form in the -- the text box  
22 that appears in the middle, it says, "Please review  
23 the Guiding Questions for Consideration of GNETS  
24 Services as well as the GNETS Services Flow Chart to  
25 assist in appropriate educational planning for the

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1 student." Do you see that?

2 A Yes.

3 Q What are the guiding questions for  
4 consideration of GNETS services?

5 A The guiding questions are in alignment  
6 with the GNETS Board rule that all the GNETS  
7 directors use, we provide to all the LEAs that we  
8 serve when they're considering a student for GNETS  
9 placement.

10 Q So you said the guiding questions are  
11 questions that all of the GNETS directors use?

12 A Yes. They're in alignment with the GNETS  
13 Board rule.

14 Q And when you they're in alignment with the  
15 GNETS Board rule, what do you mean by that?

16 A The GNETS Board rule -- there's questions  
17 that -- that guide decision-making for students, and  
18 it's in alignment with what the GNETS Board rule  
19 indicates.

20 Q And when you say the questions are in  
21 alignment with what the GNETS Board rule indicates,  
22 is it accurate to say that those questions help  
23 ensure that that Board rule is being complied with?

24 A Yes.

25 Q This also references the GNETS services

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1 flow chart. Do you see that?

2 A Yes.

3 Q What is the GNETS services flow chart?

4 A It tell -- it's a flow chart that shows  
5 how students could potentially be -- be considered  
6 for GNETS placement, some of the things that happen  
7 first and some of the things -- different services  
8 that are provided in the districts prior to.

9 Q Okay. And is that flow chart kind of a --  
10 almost like a text road map where, if the answers to  
11 some questions are yes or no, it takes you to  
12 different pathways or conclusions?

13 A Not exactly.

14 Q Okay. How is it set up?

15 A It just kind of indicates, you know, if  
16 the student is coming from this particular type of  
17 setting and they have had some of these type of  
18 services, they may or may not be eligible for --  
19 be -- be someone that you might want to consider for  
20 GNETS placement. Just kind of gives you a guide, an  
21 example.

22 Q Okay. Is the GNETS services flow chart  
23 aligned to the State Board GNETS rule in the same  
24 way that the guiding questions for consideration of  
25 GNETS service are?

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1 A Yes.

2 Q So that GNETS services flow chart also  
3 helps ensure compliance with the State Board GNETS  
4 rule?

5 A Correct, yes.

6 Q Turning to the second page of this  
7 document, which is Bates-stamped Rutland 000298,  
8 this has a section where it says, "Check the  
9 Consultative Services you would like for GNETS to  
10 provide (choose one)." Do you see that?

11 A Yes.

12 Q Are these the only consultative services  
13 that you provide in connection with your role as  
14 director of the Rutland GNETS Academy?

15 A Yes.

16 Q Is there anything else that occurs in the  
17 process by which the school systems that have the  
18 ability to -- to refer students to Rutland  
19 Academy -- is there anything else that occurs in the  
20 process of Rutland Academy providing consultative  
21 services to those school systems that we have not  
22 discussed yet?

23 A Yes, there is -- there -- there are.

24 Q What are those things?

25 A Sometimes a district may want a certain

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1 group of special education teachers to get FBA  
2 coaching as a full group instead of it just being  
3 for one teacher for one classroom for one student;  
4 so those things happen as well.

5 Sometimes it's, you know, help with having  
6 behavioral intervention plan strategies that might  
7 be successful for students that are being served in  
8 emotional -- classrooms that serve students with  
9 emotional and behavioral disorders or autism and  
10 things of that nature as well; so it may be a group  
11 of special education teachers or administrators as  
12 well.

13 Q Okay. So the consultative services could  
14 apply, not just as consultation for a particular  
15 student, but consultation to provide support to  
16 groups of staff within those school systems?

17 A Correct.

18 Q Okay. Have you provided those sorts of  
19 group consultative services to any school systems in  
20 the past school year?

21 A Yes.

22 Q And what -- what group consultative  
23 services did you provide in the -- in the 2021-'22  
24 school year?

25 A Writing a successful FBA, functional



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1 behavior assessment; behavior intervention planning;  
2 student achievement model training.

3 Q So the -- the writing the FBA  
4 consultation -- with what group of -- of staff or  
5 individuals was that?

6 A It's been with administrators as well as  
7 with teachers.

8 Q Within a particular school system or  
9 across multiple school systems?

10 A Within two school systems in this -- in  
11 the '21-'22 school year, if I'm not mistaken, only  
12 two.

13 Q Which systems are those?

14 A Madison County and Commerce City.

15 Q And what about the behavior intervention  
16 planning? With what groups of individuals or staff  
17 was that consultation?

18 A Madison County with their administrators  
19 and teachers.

20 Q Any others?

21 A Not that I can recall, no.

22 Q And any group consultations apart from  
23 writing FBAs and then the behavior intervention  
24 planning for the 2021-'22 school year?

25 A Just the student achievement model.

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1 Q Okay. And to what group of staff or  
2 individuals did you consult on the student  
3 achievement model?

4 A I provided one across districts; so they  
5 came here. So across multiple districts that we  
6 serve, they were able to come for the training. And  
7 I also provided that training for administrators in  
8 Madison County as well.

9 Q Okay. And the training that was provided  
10 here that was for multiple districts -- how many  
11 districts participated in that?

12 A I can't remember the exact number of this  
13 last one.

14 Q Okay. Do you have a rough estimate?

15 A Three to six.

16 Q Okay. All right. So now I want to talk a  
17 little bit about the referral process as it relates  
18 to students who are actually being referred for  
19 consideration of services at Rutland Academy GNETS.  
20 I believe you mentioned earlier that there were some  
21 consideration documents; is that correct?

22 A Yes.

23 Q Tell me a little bit more about those.

24 A There's a consideration student  
25 information packet form that basically indicates,

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1 like, what they're wanting as far as what's going on  
2 with that -- with that student and why they might  
3 feel like GNETS services might be -- might be  
4 helpful for this student at that time.

5 MS. WOMACK: Okay. I'm going to ask the  
6 court reporter to please mark this document as  
7 Plaintiff's Exhibit 222.

8 (Plaintiff's Exhibit 222 was marked for  
9 identification purposes.)

10 Q (By Ms. Womack) Ms. Ngeve, you have been  
11 handed Plaintiff's Exhibit 222, which is a document  
12 Bates-stamped Rutland 000291. The, sort of, title  
13 of this document appears to be "Georgia Network for  
14 Educational and Therapeutic Support Confidential  
15 Student Information Packet." Is this the document  
16 that you were just referring to?

17 A Yes.

18 Q Okay. And so you mentioned that, for a  
19 student who is being referred for consideration of  
20 GNETS services at Rutland Academy, this form would  
21 be completed?

22 A Correct.

23 Q Who would complete this form on behalf of  
24 a student that was being referred for consideration  
25 of GNETS services?

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1 A It depends. It could be -- it depends.

2 Q What are the -- what are the options for  
3 who might complete this packet on behalf of a  
4 student?

5 A It might be the special education director  
6 or the special education coordinator, the  
7 administrator in conjunction with the special  
8 education director or coordinator. It could be the  
9 behavioral support person in conjunction with the  
10 LEA, the -- sorry -- special ed director and the  
11 caseload manager. It could be multiple people on  
12 the IEP team that are within the school and even  
13 including with the parent that might be providing  
14 some information for it. So it just depends.

15 Q So would it be fair to say that this  
16 packet would be completed by someone affiliated with  
17 the referring school system?

18 A Yes.

19 Q Okay. This packet is not completed by  
20 Rutland?

21 A No.

22 Q Once this packet is completed, what  
23 happens next?

24 A Once it's completed, they send the  
25 information to me; and then I review the packet.

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1 Q Okay. And when you review the packet,  
2 what do you review the packet for?

3 A To make sure that all the components of  
4 the packet are -- are there, using the guiding  
5 questions to make sure that everything that should  
6 be there is there.

7 Q Okay. So the guiding questions are the  
8 guiding questions for consideration of GNETS  
9 services that we talked about already?

10 A Correct.

11 Q Okay. And those guiding questions for  
12 consideration of GNETS services tell you what the  
13 required components are of the packet that should be  
14 there?

15 A Yes.

16 Q Okay. Once you have reviewed the packet  
17 to determine whether all of the required components  
18 are there, what do you do after that?

19 A I communicate with the special education  
20 director or coordinator to let them know either I  
21 have everything that -- that we're -- that we're  
22 supposed to have in the packet or we're missing some  
23 additional documents, and I ask for those documents.

24 Q Okay. Once you have done that, what  
25 happens after that?

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1           A       Then we schedule an IEP meeting to discuss  
2       consideration for GNETS placement.

3           Q       Okay.

4           A       Provided that they provide the documents  
5       that are missing, if anything is missing.

6           Q       So you only would move to scheduling an  
7       IEP meeting once you have all of the required  
8       documents?

9           A       Correct.

10          Q       Okay. How is that IEP meeting scheduled?

11          A       I provide dates to the district, the  
12       special ed director or coordinator, and they  
13       communicate with the parents as well as the school  
14       and find out when -- which date and time might be  
15       the most appropriate for the parent and the school.

16          Q       Okay. Do you participate in those IEP  
17       meetings once they're scheduled?

18          A       Yes. For all consideration meetings, I  
19       participate in those.

20          Q       You participate in all of the meetings?

21          A       All the consideration meetings for any  
22       students, yes.

23          Q       Okay. Are there any times when you don't  
24       participate in an IEP meeting where a student is  
25       being considered for GNETS services?

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1 A Not when they're being considered, no.

2 Q Okay. Does anyone else from your staff  
3 participate in IEP meetings when students are being  
4 considered for services at Rutland?

5 A Yes.

6 Q Who else participates?

7 A My coordinator as well as the potential  
8 caseload manager for that student.

9 Q And is it the same way with your  
10 coordinator and the potential caseload manager that  
11 they participate in all IEP meetings where  
12 consideration of GNETS services is being discussed?

13 A Yes.

14 Q Just going back to the cover of the  
15 confidential student information packet, this  
16 contains text similar to the text we reviewed on the  
17 request for consultation; and so I just want to be  
18 clear. The GNETS services flow chart that's  
19 referenced on the confidential student information  
20 packet is the same GNETS services flow chart that's  
21 referenced on the request for consultation?

22 A Yes.

23 Q And the same thing for the guiding  
24 questions for consideration of GNETS services?

25 A Yes.

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1 Q Did you create this confidential student  
2 information packet?

3 A No.

4 Q Who created it?

5 A The State Department in conjunction with  
6 some special -- some of the GNETS directors.

7 Q And how did you come into possession of  
8 copies of this confidential student information  
9 packet?

10 A Initially through my former director.

11 Q Okay. So you received this confidential  
12 student information packet through your former  
13 director, just like you received the request for  
14 consultation document through your former director?

15 A Correct.

16 Q Tell me a bit more about what happens in  
17 the IEP meeting where consideration of GNETS  
18 services is discussed for a student.

19 A Are you wanting to -- are you asking about  
20 just the general consist of what happens in those  
21 meetings, or are you asking about something specific  
22 in the meetings?

23 Q Just generally, how does the meeting  
24 proceed? Who else is in attendance? What occurs?

25 A Well, to begin with, introductions; and



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1 then, of course, we always offer parental rights to  
2 the parent and make sure they have -- they  
3 understanding their parental rights and ask if they  
4 would like a copy of their parental rights. If they  
5 say they do, then we make sure they have a copy of  
6 it if it's in person. If it's virtual, we will put  
7 it on the screen as well as give them -- let them  
8 know that we can send them a copy immediately during  
9 that meeting. And we ask them if they would like a  
10 moment for us to pause for them to read through  
11 their parental rights to make sure they understand  
12 them before proceeding forward.

13 Once a parent says -- often they say, "I have  
14 already got a million copies. I don't need them."  
15 We always say, well, if at some point during this  
16 meeting there is something you don't understand, we  
17 want to make sure they understand and they can ask  
18 questions.

19 Shortly -- once we finish with that, we talk  
20 about the purpose of the meeting, which is to  
21 consider -- just to see if GNETS might be a possible  
22 option for that particular student.

23 And so we often will hear from the parent first  
24 on how things are going with this -- with this  
25 particular student, how things are going at home,

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1 what kind of things they would like to see the  
2 student be able to improve on.

3 And then we talk to -- we hear from the school  
4 as far as what are some concerns that are going on  
5 in the school system and things of that nature.

6 And then we proceed with the meeting to talk  
7 about what barriers there are, what kind of mental  
8 health challenges there are, what current traumas  
9 there are, if there is any loss, if there is any --  
10 have they been -- have these behaviors been  
11 persistent over a period of time, is this a new  
12 behavior, what mental health support they have  
13 involved, because I like to find out all the things  
14 that was going on with that kiddo to find out -- to  
15 be able to really understand that student.

16 And so we talk about those things; and the  
17 parents, you know, normally are pretty open in  
18 sharing what their concerns are and the multiple  
19 things that have been attempted prior to. So we  
20 always discuss that during the meeting, like what  
21 kind of things have been attempted or -- or -- or  
22 implemented with that student, whether it's in --  
23 with therapy, whether it's with the school, whether  
24 it's both, if there's been both, and kind of find  
25 out about those things.

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1 We also discuss placement, if there's been any  
2 changes in home placement, have they always been  
3 with parents, have they been with other parents or  
4 other relatives, and things of that nature. And  
5 depending on the severity, they may talk about any  
6 DFCS inter -- involvement or DJJ involvement and  
7 things of that nature.

8 After we have talked about, like, the general  
9 things that are -- that are going on with the  
10 student, I talk to them about what we do here at  
11 Rutland Academy because I want to make sure parents  
12 understand what exactly we're even considering  
13 because that's important for them to know. So we  
14 discuss what we do at Rutland Academy and how we  
15 support students.

16 And then I ask -- I ask the parents -- we ask  
17 the parents if they have any questions, if there is  
18 anything they want to know more about. So whatever  
19 questions they have, they ask about those. And  
20 depending on what happens with those questions  
21 determines what happens next with the conversation.

22 And so if we get to the point where all team  
23 members feel like this still may be a good option to  
24 consider, we make sure the parent understands what  
25 this looks like, what this can look like and that

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1 they can call a meeting anytime they want to and  
2 that they really have a lot of input in what happens  
3 with -- with what's going on with the students and  
4 come take a tour, even if they want to do that prior  
5 to considering this as an option to make sure they  
6 feel comfortable with where their student is going  
7 to be served.

8 We talk about those things. And if the parents  
9 and the team are all -- if the whole team is in  
10 agreement with the fact that this student may need  
11 to come here, we discuss, okay, what does that look  
12 like? When do we feel like it might be a good time  
13 for them to start? And then we -- we set up that  
14 time period. The home school district schedules the  
15 transportation if they're going to be -- if they're  
16 going to be a bus rider, and things of that nature,  
17 and then allow for any additional questions.

18 And if everyone is -- if everyone is in  
19 agreement and we talk about -- you know, we have  
20 already gone over the plan, and we talk about the  
21 social skills that the student may need to work on  
22 based on what's going on with the student currently.

23 If everyone is in agreement with those social  
24 skills, those are the skills that we determine are  
25 going to be the IEP goals and objectives for social,

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1 emotional, behavioral. They may have some that --  
2 that are there, but the parent may say, well, we  
3 have got these other things that have been going on  
4 for the last three or four months that we -- I feel  
5 like need to be addressed, I feel like they need  
6 support with.

7 So then we give -- we ask the parents are these  
8 the goals, are these the skills that you're  
9 saying -- and the school -- are these the skills  
10 that you feel like are really -- what's really  
11 causing the student to not be successful right now;  
12 so would it be helpful for these skills, what we  
13 work on.

14 If they're in agreement, then we -- we let them  
15 know that, okay, so, with your consent, we will go  
16 ahead and change -- we will amend the IEP goals and  
17 objectives to indicate that they're going to be  
18 working on these particular skills. We explain the  
19 student achievement model, the point sheet, and how  
20 that works, as well as our PBIS incentive program  
21 and make sure they feel comfortable with those  
22 things.

23 And if everyone is still in agreement by the  
24 end of all that discussion, we determine the start  
25 date, and the student starts.

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1 Q Have you ever had an experience in an IEP  
2 meeting where consideration of GNETS services was  
3 being discussed where there was disagreement among  
4 the IEP committee as to whether the student should  
5 receive GNETS services?

6 A Yes.

7 Q What happens when there's disagreement on  
8 the committee?

9 A Several things can happen. We offer to  
10 table the meeting if the parent would like to get  
11 more information or consider other options.  
12 Sometimes we table the meeting because the parent  
13 is, like, "I don't even know where this school is,"  
14 and so they may want to schedule a tour. So we  
15 schedule the tour. And then we let the parent know,  
16 when you're ready for us to come back together and  
17 meet again, we will come back and meet again.

18 At other times we table the meeting because  
19 maybe there's different things going on within the  
20 meeting. Maybe the parent gets a little upset and  
21 they just want to meet at a different time.

22 And so at that point, if we need to table it,  
23 we pause the meeting; and I follow up with the LEA  
24 and let them know, you know, let me know whenever  
25 the parent lets you know they're ready to meet; and

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1 then we schedule that meeting at a later time.

2 Q Have you ever had experiences in these IEP  
3 meetings for consideration of GNETS services where  
4 there's been disagreement between various members  
5 of -- of the education staff, whether that's staff  
6 here at Rutland or staff from the school district as  
7 to whether the student should receive GNETS  
8 services?

9 A Yes.

10 Q And what happens in that situation where  
11 there's disagreement between various staff members  
12 as opposed to with the parent?

13 A The only ones -- the ones that I remember  
14 were mainly, like, a teacher that felt like they  
15 could -- they either -- they felt like the  
16 consideration was a direct attack at how well or  
17 how -- how poorly they have done as a teacher with  
18 that student.

19 And so in those -- in those points we, you  
20 know, will table the meeting as well and just say,  
21 you know -- give them the opportunity to talk with  
22 their -- their staff to figure out what might be  
23 going on there.

24 Because we're coming in to -- we don't know the  
25 student, but, you know, if there's a concern, we

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1 don't want the meeting to continue going on with  
2 there being discourse or if a parent has a concern  
3 or if the staff has a concern.

4 So normally they would meet with their LEA and  
5 they would talk about it further. And if we needed  
6 to -- you know, once it's time to table it and come  
7 back to the meeting, then we're all here waiting to  
8 do that again.

9 Q Have you ever had any experiences in IEP  
10 meetings for consideration of GNETS services where  
11 staff from the school district thought a student  
12 should be served at Rutland but you and your staff  
13 members from Rutland did not agree with that?

14 A You're asking has it happened during an  
15 IEP meeting, or has that happened at all?

16 Q Well, first, has it ever happened in -- in  
17 an IEP meeting where decisions were being made about  
18 whether the student would be -- would actually come  
19 to Rutland to receive services?

20 A Yes.

21 Q And tell me about those situations. What  
22 happened with that disagreement?

23 A From what I recall, it was earlier in my  
24 career here at Rutland, and I was a teacher. And,  
25 you know, the district -- well, the teacher from the



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1 other school felt very strongly on the student  
2 coming to GNETS.

3 However, there -- from what we were -- from  
4 what I understood at that time as a teacher in the  
5 meeting, there had been very little that had been  
6 done at that point with that particular student that  
7 warranted going to a GNETS placement.

8 And, you know, so the -- the administrators  
9 at -- that were here at the time felt maybe they  
10 weren't necessarily in agreement, but they supported  
11 the -- considered the options from the -- the  
12 recommendations from the entire team.

13 But there were -- there was a couple of  
14 meetings I participated in where the teacher felt  
15 like the student needs to come to GNETS, but there  
16 were still additional things that needed to be done.  
17 But that was many -- that was earlier when I was --  
18 as a teacher.

19 Q In that situation, was the student sent to  
20 Rutland?

21 A Not immediately. I think that the  
22 district decided to do a few more things with that  
23 student prior to submitting referral. But the  
24 student eventually came, but it was after additional  
25 supports the interventions were put in place for

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1 that student.

2 Q Okay. Have there been any instances sort  
3 of in more recent years? You said this instance was  
4 when you were a teacher, but have there been  
5 instances in more recent years where you had a  
6 disagreement with staff from a school district as to  
7 whether a student should be served at Rutland  
8 Academy?

9 A No. No.

10 MR. MURPHY: This happened at an IEP  
11 meeting? Is that what you were asking?

12 Q (By Ms. Womack) I'm asking now  
13 independent of any IEP meeting.

14 MR. MURPHY: Oh, okay.

15 Q (By Ms. Womack) Have you had any --

16 A So not involved in -- not during an IEP  
17 meeting?

18 Q Right. So I guess I'm just asking more  
19 broadly, in recent years have you had any situations  
20 where, you know, a local school system thought a  
21 student should be served at Rutland Academy, but you  
22 disagreed with that?

23 A Oh, yes.

24 Q And in -- sort of what were the  
25 circumstances in which that situation arose?

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1           A       There was very little information, data  
2       that had been submitted that said that they -- that  
3       everything they could do to support the student, and  
4       the student was very young. And I went back to the  
5       board rule and the -- and the guiding questions, and  
6       there was a lot of things that still had yet to be  
7       done to support that student.

8           And I offered to be able to come and provide  
9       support to that student at that school on a  
10      consultative basis to observe and make some  
11      recommendations as far as the goals and objectives  
12      as well as some things that they could try in the  
13      school before the student actually -- before they  
14      actually submitted the referral or be ready -- or  
15      before we were ready to really consider that student  
16      for GNETS services.

17          Q       In that situation when you -- when you --  
18      when you had that view formed that the student, you  
19      know, was not appropriately -- was not appropriate  
20      to send to Rutland Academy at that time, had there  
21      been a confidential student information packet for  
22      consideration of services submitted to you for that  
23      student?

24          A       Yes.

25          Q       Did you have an IEP meeting to consider

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1 GNETS services for that student?

2 A We did eventually -- we did have -- we did  
3 end up having a meeting, yes.

4 Q And at the time you had that IEP meeting,  
5 had there been any significant change in terms of  
6 the sorts of supports or interventions that the  
7 local school system provided from the time when you  
8 disagreed that the student should be served at  
9 Rutland?

10 A Not at that time.

11 Q In that IEP meeting for consideration of  
12 GNETS services, what decision was made as to what  
13 would happen to that student?

14 A That we would provide consultative  
15 services at the beginning of the school year to  
16 support that student and to support the teachers in  
17 the classroom and then come back together and meet  
18 again to determine if at that time there still was  
19 sufficient -- there was -- there was a reason --  
20 that we felt like there was enough information and  
21 there was a reason for that student to -- for them  
22 to consider GNETS services.

23 Q Okay. So at the conclusion of that  
24 initial IEP meeting for consideration of GNETS  
25 services, that student was not deemed appropriate

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1 for Rutland Academy?

2 A Correct.

3 Q Did that student at some later time end up  
4 coming to Rutland Academy?

5 A No.

6 MS. WOMACK: I am going to ask the court  
7 reporter to please mark this document as  
8 Plaintiff's Exhibit 223.

9 (Plaintiff's Exhibit 223 was marked for  
10 identification purposes.)

11 Q (By Ms. Womack) Ms. Ngeve, you have been  
12 handed what's been marked as Plaintiff's Exhibit  
13 223. This is a document Bates-stamped Rutland  
14 000299. It's titled "GNETS Services Flow Chart."  
15 Do you recognize this document?

16 A Yes.

17 Q Is this the GNETS services flow chart that  
18 we have been discussing today?

19 A Yes.

20 Q Did you create this flow chart?

21 A No.

22 Q Who created this flow chart?

23 A Some -- some of the GNETS directors, in  
24 addition to the State Department for GNETS.

25 Q And did you first come into possession of

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1 this GNETS services flow chart in the same way that  
2 you came into possession of the confidential student  
3 information packet and the request for consultation?

4 A Yes.

5 Q And that's from your former director?

6 A Correct.

7 Q Do you use this document?

8 A Yes.

9 Q And how do you use this document?

10 A To ensure that whenever -- to make sure  
11 that I'm looking -- I'm constantly, you know,  
12 following the process in which it should be followed  
13 and making sure -- and I also present it to our  
14 special education directors and coordinators at the  
15 beginning of the school year each year. And  
16 sometimes if there is a new -- there's new directors  
17 that come on, I make sure they have a copy of it as  
18 well as everyone else from, you know, all the 13  
19 school districts, the LEAs.

20 Q Okay. And when you say you use this  
21 document to follow the process as it should be  
22 followed --

23 A Yes.

24 Q -- what is the basis for how the process  
25 should be followed? Where does that come from?

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1 A Where does the basis come from?

2 Q Yeah. When you say this is to ensure that  
3 you're following the process as it should be  
4 followed, I'm just wondering what is -- who sets the  
5 standard for how the process should be followed?

6 A The board rule from the State Department.

7 Q Okay. So this is aligned to the State  
8 Board GNETS rule as well?

9 A Correct.

10 Q Okay. So looking at the top of this  
11 document, in the sort of top text box, it says, "A  
12 student currently being served in SPED has behavior  
13 problems at their school and it is believed GNETS  
14 may be an option." Do you see that?

15 A Yes.

16 Q And "served in SPED" -- does that mean  
17 served in special education?

18 A Yes.

19 Q And then this goes on to say, "GNETS  
20 services are only for students served in SPED."  
21 And, again, SPED meaning special education?

22 A Correct.

23 Q What is the basis for this statement that  
24 GNETS services are only for students served in  
25 special education?

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1           A       To ensure that it's clear that only  
2 children in special education are eligible for GNETS  
3 services.

4           Q       Where does that requirement come from?

5           A       The GNETS Board rule.

6           Q       And then this goes on to say, "School  
7 personnel contacts Special Education Director or  
8 designee with concerns (outlining frequency,  
9 duration and intensity of behavior problems). A  
10 check list of 'Guiding Questions' is completed to  
11 determine whether more work is needed at the school  
12 level or to proceed with GNETS involvement." Do you  
13 see that?

14          A       Yes.

15          Q       This checklist of guiding questions -- is  
16 this the same guiding questions that we referred to  
17 earlier?

18          A       Yes.

19          Q       So this flow chart has kind of three  
20 primary columns. The -- one is called  
21 "Consultation"; one is called "Standard Process";  
22 and one is called "Move In"; is that accurate?

23          A       Yes.

24          Q       Does this consultation section refer to  
25 requests for consultative services of the sort that



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1 you indicated you may provide to -- to various  
2 school systems?

3 A Yes.

4 Q What is the standard process?

5 A SPED director determines behavior problem,  
6 meets frequency, duration, and intensity  
7 qualifications and all school steps have been taken.  
8 And then a student information packet is completed,  
9 available only from the special education office.  
10 GNETS coordinator and SPED director meets with --  
11 meets to discuss the -- the packet information. And  
12 the school schedules an IEP meeting, and GNETS is  
13 considered as an option.

14 Q And so does this track the referral  
15 process for consideration of GNETS services that you  
16 just told me you use in deciding whether students  
17 will be served at Rutland Academy?

18 A I don't decide who to serve -- who is  
19 served. The IEP team decides.

20 Q So -- well, let me rephrase that.

21 A Okay.

22 Q Does this track the referral process that  
23 you just described to me that is followed --

24 A Yes.

25 Q -- when a decision is made as to whether a

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1 student will receive services at Rutland Academy?

2 A Yes.

3 Q And this -- in this second step in the  
4 standard process where it says, "A 'Student  
5 information Packet' is completed," that is the  
6 confidential student information packet that we  
7 reviewed earlier?

8 A Yes.

9 Q In the next section, it's titled "Move  
10 In." Do you see that?

11 A Yes.

12 Q What does this section pertain to?

13 A It pertains to students that move in from  
14 another GNETS or some program in another state or  
15 was released from a long-term hospitalization or  
16 residential treatment and then meet and amend IEP if  
17 necessary.

18 Q So if you have a student who has moved in  
19 from another GNETS program or from a similar program  
20 in another state or was released from a long-term  
21 hospitalization or residential treatment, how do you  
22 handle this sort of process for that student being  
23 considered for services at Rutland?

24 A They still -- they submit the information  
25 packet, and they submit all the documents that come

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1 along with that student. That student automatically  
2 is going to be given the opportunity to have the  
3 same services that they were having in their  
4 previous location.

5 And so we meet, and we talk about where was  
6 that student in that process? Was that student in  
7 the process of transitioning out?

8 And so we always talk to that GNETS as well to  
9 find out where was that student at with that  
10 process. They may have been already starting to  
11 transition out. And so we talk about, okay, so we  
12 need to have a similar plan for what that student  
13 was receiving when they were there previously. We  
14 find out how close they were to a full transition  
15 because it doesn't make sense for them to come here  
16 and start that -- start, you know, that time -- that  
17 period all over.

18 So we make sure that they're getting the -- the  
19 same similar services that they were getting at  
20 their previous location. And if they were doing a  
21 partial transition, then we schedule -- begin with  
22 that same -- that same thing unless a parent has --  
23 shares any additional information that says that  
24 something else has happened that -- where they feel  
25 like other -- other services might be necessary.

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1 Q So you said when the student is coming  
2 from another GNETS program, you talk to that GNETS  
3 program?

4 A Yes.

5 Q Do you talk to whatever program a student  
6 is coming from if that program is in another state?

7 A Yes.

8 Q What about when a student is coming from  
9 long-term hospitalization or residential treatment?

10 A Yes, we schedule -- we meet with the --  
11 with the -- with the residential team as well. The  
12 whole IEP meets together with the LEA with that team  
13 from -- from the hospital to find out where they  
14 were with their treatment, were they -- were they  
15 about to transition out and go back to a regular --  
16 back to school, or were they still -- or had they  
17 not met their treatment goals and if they still  
18 needed some intensive services; however, insurance  
19 or something else might have caused them to be  
20 discharged at that time.

21 Q Okay. When this says a "similar program  
22 in another state," what is -- is there any criteria  
23 for what's considered a similar program?

24 A It often is where it may -- the IEP may  
25 indicate that they were -- that they were in a

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1 separate school, a separate therapeutic school, a  
2 separate therapeutic. It just depends on where  
3 they're coming from.

4 And so we call -- well, the LEA always calls  
5 that particular school to find out what did that  
6 look like? Were they in a traditional school and  
7 they were just getting some -- certain types of  
8 supports within the school? Was that really a  
9 separate school altogether, and what does that  
10 school -- what was the make -- what was the model of  
11 that school, and does that -- does that student  
12 still need that at this time?

13 Just to kind of get information to find out for  
14 sure because different states call them different  
15 things as far as -- and their -- their separate  
16 schools may not be what our -- anything near similar  
17 to a GNETS; so that kiddo may or may not be  
18 appropriate.

19 Q So -- and just to clarify, when a student  
20 moves to Georgia who has been in a similar program  
21 to -- to GNETS --

22 A Yes.

23 Q -- or when a student is released from  
24 residential treatment or long-term hospitalization,  
25 where do they go immediately?

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1           A       Well, if they're coming from residential,  
2 we meet prior to discharge to determine where  
3 they're going to go because there may be times where  
4 they're coming from a residential setting but they  
5 are not necessarily needing to come to a GNETS.

6           But we just kind of need to figure out if  
7 we're -- if we're able to, if they're coming from a  
8 residential, then the team, the residential team  
9 usually, you know, tries to get the school records  
10 and stuff started, the school plan started prior to  
11 them being discharged.

12           If they're coming from a different state, it  
13 depends on, like, if the parent has already enrolled  
14 them. Sometimes it takes a period of time for the  
15 parent to have gotten the records or the school  
16 system to have gotten the records. So it may be  
17 that, you know, for a couple of days while they're  
18 trying to figure that out, it may be that that  
19 student may not be in school immediately when they  
20 first come. Just depends on how long it takes them  
21 to get enrolled in the district.

22           Q       And so when you say the student may not be  
23 in school, if a student's records for a student who  
24 comes from out of state who has been in another  
25 similar program hasn't been transferred and the IEP

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1 team hasn't had a meeting yet, does that student  
2 have the ability to go and attend their local zoned  
3 school?

4 A Yes.

5 Q Okay. So when you say a student may not  
6 be in school, under what circumstances would a  
7 student not be in school at all?

8 A If the student is recently getting out,  
9 maybe have recently relocated but they recently had  
10 a situation where they just -- they're going to the  
11 hospital or they're about to come back from the  
12 hospital. Because sometimes parents move from a  
13 different state, but then a crisis happens. So  
14 therefore the kiddo may go into inpatient somewhere  
15 as soon as they get into the state. So they may or  
16 may not be in school right away.

17 Other times it may be that the parent relocates  
18 but they're doing -- they're having a lot of  
19 things -- they're having a lot of challenges  
20 themselves as the parents with getting them even  
21 enrolled or figuring out who's going to take them to  
22 go get them enrolled.

23 So there may be that period of time for a  
24 couple of days we're figuring out what -- you know,  
25 if the parent is going to go enroll them. Often

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1 it's a phone call that starts it, where the parent  
2 calls and says, hey, we're moving here and our kid  
3 will be going to this school.

4 If they call us, we contact the district. We  
5 say, okay, "What district are you moving to?" And  
6 if they contact the district, then the district  
7 tries to figure out, okay, what day are you going to  
8 be here so we can go ahead and get that student  
9 enrolled in school.

10 Q Okay.

11 MS. WOMACK: I am going to ask the court  
12 reporter to please mark this document as  
13 Plaintiff's Exhibit 224.

14 (Plaintiff's Exhibit 224 was marked for  
15 identification purposes.)

16 THE WITNESS: Thank you.

17 Q (By Ms. Womack) Ms. Ngeve, you have been  
18 handed what is marked as Plaintiff's Exhibit 224.  
19 This is a document, bears the Bates stamp  
20 GA00354672. It is an email from you to Vickie  
21 Cleveland dated October 25th, 2019, with the subject  
22 "Re: J. Brown." Do you recognize this document?

23 A Yes.

24 Q This is an email thread between you and  
25 Vickie Cleveland; is that correct?



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1 A Yes.

2 Q I will just note for you that on the  
3 second page of this document we have redacted the  
4 student's first name, where it has appeared, for  
5 confidentiality purposes.

6 A Yes.

7 Q If you look towards the bottom of the  
8 first page, do you see the email that you sent to  
9 Vickie Cleveland and LaKesha Stevenson on October  
10 17, 2019?

11 A Yes.

12 Q And in this email you say, "Clarke has a  
13 kiddo that is returning from YDC. He previously  
14 attended Rutland before going to YDC, though his  
15 behaviors were more conduct in nature. Either way,  
16 I know he'd return here when coming back from YDC as  
17 we were the last placement prior to YDC. Mom  
18 doesn't want him to return to Rutland. I want to  
19 double check just for my own clarity. If mom  
20 decides she doesn't want him to return here, won't  
21 her parent rights override Clarke wanting him to  
22 return here? I noticed in the verbiage that one of  
23 the Clarke coordinators sent (below) that she is  
24 telling the DHS case manager that the student has to  
25 return to Rutland, yet I was thinking that if mom

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1 doesn't agree to placement, when we meet, the  
2 district has to support him in another way. Is this  
3 correct? Again, I'm seeking clarity to make sure I  
4 am adequately prepared for the meeting."

5 Have I read your email to Ms. Cleveland and --  
6 and Ms. Stevenson accurately?

7 A Yes.

8 Q What is YDC?

9 A Youth detention center.

10 Q Okay. And Clarke County is one of the  
11 school systems that Rutland Academy and GNETS  
12 program serves; is that right?

13 A Yes.

14 Q And so am I correct in understanding from  
15 this email that here you are reaching out to  
16 Ms. Cleveland and Ms. Stevenson because you  
17 understand that one of the Clarke County special  
18 education coordinators is saying that the student at  
19 issue here must be placed at Rutland despite the  
20 student's mom not wanting him to be placed there?

21 A Correct.

22 Q Were you looking for Ms. Cleveland and  
23 Ms. Stevenson to clarify whether the Clarke County  
24 special education coordinator was correct?

25 A Yes.

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1 Q And was your understanding at the time  
2 that you wrote this that if the student's mother did  
3 not agree to the student being placed at Rutland  
4 that Clarke County would have to find another way to  
5 serve that student within their school system?

6 A Yes.

7 Q Ms. Cleveland responds to your email by  
8 asking if you're available for a conference call; is  
9 that right?

10 A Yes.

11 Q Did you have that conference call with  
12 Ms. Cleveland?

13 A I don't recall at this time.

14 Q Do you recall whether you ever reached a  
15 conclusion or received an answer to your question?

16 A I don't remember on this exact -- on this  
17 exact one, honestly.

18 Q Does the -- the initials J. Brown from  
19 Clarke County mean anything to you?

20 A Yes.

21 Q Did that student -- or has that student  
22 spent time recently at Rutland Academy?

23 A No.

24 Q Do you know if the student ever came to  
25 Rutland Academy after being released from YDC?

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1 A Yes, I know.

2 Q And what happened to the student after  
3 they were released from YDC?

4 A They didn't come to Rutland. They didn't  
5 go back to their home setting; so it ended up being  
6 a DFCS situation. But they went to another  
7 location. I'm not sure what happened.

8 Q Okay. So that student did not come to  
9 Rutland, and the student also did not go back to  
10 Clarke County?

11 A As I recall, correct.

12 Q Okay.

13 MS. WOMACK: I would like to hand the  
14 court reporter what I would like to have marked  
15 as Plaintiff's Exhibit 225.

16 (Plaintiff's Exhibit 225 was marked for  
17 identification purposes, later correctly marked  
18 as Plaintiff's Exhibit 199.)

19 THE WITNESS: Thank you.

20 MS. WOMACK: Actually, I need to correct  
21 the record. I apologize. This document has  
22 previously been marked as Plaintiff's Exhibit  
23 199. That deposition occurred so close in time  
24 to this that there is no stamped exhibit; so we  
25 can correct the markings on that document.

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1 THE WITNESS: Do you want me to hand it  
2 back?

3 Q (By Ms. Womack) No. You can -- you can  
4 hang on to it for now, and we will make sure that we  
5 correct it at the end of the deposition.

6 That document bears a sort of unique numerical  
7 identifier at the bottom that is 000361. Ms. Ngeve,  
8 are you familiar with this document?

9 A Yes.

10 Q Is this the Guiding Questions for  
11 Considering of GNETS Services that has come up  
12 multiple times in our conversation today?

13 A Yes.

14 Q Does Rutland Academy use these Guiding  
15 Questions for Consideration of GNETS Services  
16 document?

17 A Yes.

18 Q And tell me how Rutland uses this  
19 document.

20 A One way is I provide it to all the G --  
21 all the special education directors and coordinators  
22 to make sure they have all the information so they  
23 can actually use this form prior to submitting a  
24 packet to make sure they have all the information  
25 together.

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1           Then the second thing I do with it is I use it  
2 whenever a packet is sent in to me, a student  
3 information packet is sent in to me, and I actually  
4 use it to -- to indicate if everything is there  
5 according to the guiding questions.

6           Q       Okay. And am I remembering correctly that  
7 you told me earlier that this document is aligned to  
8 the State Board of Education GNETS rule?

9           A       Correct.

10          Q       And so when you're using this document to  
11 make sure that everything that's supposed to be in  
12 the confidential student information packet is  
13 there, you're doing that to ensure that you are  
14 complying with the State Board of Education GNETS  
15 rule?

16          A       Correct.

17          Q       Did you create this document?

18          A       No.

19          Q       Who created this document?

20          A       The State Department for GNETS as well as  
21 some -- some of the GNETS directors.

22          Q       Is it your understanding that other GNETS  
23 programs use this same document?

24          A       Yes. All.

25          Q       All of them?

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1 A All use it, yes.

2 Q Okay. Does Rutland Academy keep records  
3 of what students are referred to its GNETS program  
4 and what the outcomes of those referrals are?

5 A Yes.

6 Q How does Rutland keep those records?

7 A We have a referral tracking notebook where  
8 we actually indicate whenever a file comes in, and  
9 then we go back and indicate if the student was  
10 placed or if they were not placed.

11 Q Okay. Do you maintain those record  
12 logbooks, you know, kind of on a longer-term basis?

13 A Yes.

14 Q And how do you maintain them?

15 A We keep them locked in our -- in our  
16 intake office with all the documentation.

17 Q Are those records maintained in paper  
18 form?

19 A Excuse me. Yes.

20 Q Do you maintain them in any form other  
21 than paper?

22 A Sometimes. It depends on how it was  
23 submitted. If it was submitted to us  
24 electronically, then we may save it on -- we  
25 previously saved it on our shared server under

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1 that -- under that student's file name.

2 Q Okay. If a referral is submitted to you  
3 electronically, does that get recorded in your paper  
4 log?

5 A Yes.

6 Q Do you provide reporting on the number of  
7 referrals to Rutland Academy or the outcomes of  
8 those referrals to any entities outside of Rutland  
9 Academy?

10 A Yes, the -- the 13 school districts that  
11 we serve. During the monthly LSEAC meetings, I  
12 update on, if we have any new student referrals, the  
13 number of student referrals; if we have any  
14 consultations, the number of consultations --

15 Q Okay.

16 A -- and which districts.

17 Q Do you provide reports of referrals to  
18 anyone else?

19 A We -- we provide them in -- some of it has  
20 to be included in our grant application information,  
21 if I'm not mistaken, as far as number of students  
22 and number of students, if I'm not mistaken.

23 Q Okay. And who receives your grant  
24 application?

25 A The Department of Ed.



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1 Q The State Department of Education?

2 A Yes.

3 Q So then that referral information would be  
4 reported to the State Department of Education?

5 A I'm trying to recollect what all documents  
6 that they ask for in that. But I believe new  
7 student -- like, the number of students -- not  
8 necessarily which students, but the number, I  
9 believe, is in there --

10 Q Okay.

11 A -- if I'm not mistaken.

12 MS. WOMACK: Okay. I would like to ask  
13 that the court reporter please mark this as  
14 Plaintiff's Exhibit -- I'm going to ask the  
15 court reporter to please mark this document as  
16 Plaintiff's Exhibit 225, and we will correct  
17 that -- that number on that document which has  
18 previously been marked already as Plaintiff's  
19 Exhibit 199.

20 (Plaintiff's Exhibit 225 was marked for  
21 identification purposes.)

22 Q (By Ms. Womack) Ms. Ngeve, you have been  
23 handed what has properly been marked as Plaintiff's  
24 Exhibit 225. This is a document with the Bates  
25 stamp Rutland 000584, and at the top it says

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1 "Rutland Academy Initial Referral Tracking Form"?

2 A Yes.

3 Q Do you recognize this document?

4 A Yes.

5 Q Is this the referral tracking form that  
6 you were just discussing?

7 A Yes.

8 Q Or a copy of it?

9 A Yes.

10 Q Who created this completed tracking form?

11 A Myself and my former director.

12 Q Okay. And just to be clear for the  
13 record, this has been redacted so that student names  
14 do not appear, for confidentiality reasons.

15 So this tracking form identifies students who  
16 are referred to the Rutland Academy GNETS program  
17 and the outcome of those referrals?

18 A Yes.

19 Q Is this particular tracking form for some  
20 particular time span?

21 A It was, I think, at that period for the  
22 '19-'20 -- I'm not -- for the -- hold on. I'm  
23 sorry. Let me just double-check how far back. That  
24 was for -- looks like the time frame from '19  
25 through '21.

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1 Q Okay. And so the first entry on this  
2 tracking form is -- says the referral was received  
3 March 20th, 2019; is that right?

4 A Yes.

5 Q And then the last entry says that the  
6 referral for that entry was received on February  
7 23rd, 2021?

8 A Yes.

9 Q And then it actually appears that there  
10 may be some additional dates in March of 2021 also  
11 on the log; is that right?

12 A Yes.

13 Q Okay. Would there have been any referrals  
14 to the Rutland Academy GNETS program between March  
15 20th, 2019, and March of 2021 that would not have  
16 been recorded in this log?

17 A No.

18 Q Okay. Do you see the box on this form  
19 that says, "Decision (Choose one)"?

20 A Yes.

21 Q And then there is 1, 2, 3, 4, and it has  
22 an explanation of each of those. For number 1 it  
23 says, "Diagnostic including number of days." What  
24 does that decision mean?

25 A Diagnostic, the way it was written when we

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1 created the form, was how many days are -- are we  
2 going to go out and provide consultative services.  
3 Like, if it's the number of days that we're going to  
4 go out for four or five different dates; so we  
5 already put on the calendar maybe to provide  
6 observations or any classroom support, things of  
7 that nature.

8 Q Okay. When the decision is 2, it means  
9 that the student was actually placed at Rutland  
10 Academy?

11 A Correct.

12 Q Am I reading that correctly?

13 A Yes.

14 Q What does Decision 3 mean?

15 A That they are transferring in from another  
16 GNETS.

17 Q Okay.

18 A So they're automatic move in, according to  
19 the flow chart.

20 Q Okay. And then what does 4, as the  
21 decision, mean?

22 A That the team determined that -- that it  
23 wasn't appropriate, that at this time maybe they  
24 wanted to do some additional interventions in the  
25 school or maybe that there was just certain other

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1 circumstances going on, maybe a recent  
2 hospitalization or something that just deemed that  
3 at that point it wasn't an appropriate fit.

4 Q Okay. When a student is deemed not an  
5 appropriate fit for Rutland Academy, is there any  
6 formal process by which additional support is  
7 provided by Rutland to that student to ensure that  
8 they can succeed in -- in their less restrictive  
9 environment?

10 A Yes.

11 Q What does that process look like?

12 A It's normally GNETS consultative services.  
13 It may be us going out, like I said, to observe the  
14 student or provide recommendations to the staff,  
15 maybe even help train the staff on maybe certain  
16 strategies that they could possibly implement, and  
17 then going out to see the implementation of those  
18 strategies being implemented within that school  
19 setting.

20 Q Is there some standard period of time for  
21 which those consultative services are provided after  
22 the student is referred but they're deemed not an  
23 appropriate fit?

24 A No. It just depends on the individual  
25 situation. Some school systems may want to continue

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1 with those strategies for -- in a standard period of  
2 time because it's working and they don't need to  
3 move forward with the -- with the -- with the --  
4 with the consideration.

5 Q Okay. If you look at Entry 126 --

6 A Yes.

7 Q -- on this log, am I reading this  
8 correctly that this is a situation where  
9 consultation was provided for one day?

10 A Yes.

11 Q When it says "Time" in the column to the  
12 left of that --

13 A Yes.

14 Q -- is that the amount of time that was  
15 spent on the consultation during that day?

16 A Yes.

17 Q Okay. Do you ever reach out to the State  
18 Department of Education with questions about  
19 students that school districts want to refer to the  
20 Rutland Academy GNETS program?

21 A Yes.

22 Q And sort of what kinds of questions do you  
23 reach out about?

24 A Maybe if a -- if a district is concerned  
25 that they have a student that has those specific

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1 behaviors and they're wanting more -- more support  
2 with that particular student within that setting,  
3 but maybe the parent does not want us to come to the  
4 school to do observations or things of that nature,  
5 we kind of reach out and just ask, like, what do we  
6 do in this situation. We want to support that  
7 district and support that kiddo, but if the parents  
8 said we can't come, you know, other -- other things  
9 that we can do. So often it's, you know, providing  
10 strategies and support to the teachers only and not  
11 necessarily ever observing the student.

12 Other times there may just be general questions  
13 about what's going on. A student that is coming  
14 from a residential facility to -- the residential  
15 facility may feel like or the hospital facility may  
16 feel like they need to go to a GNETS; the parent  
17 does not want them to go to GNETS. The district was  
18 not planning to send them to a GNETS prior to them  
19 going to hospitalization. Just some general  
20 questions about if there are any recommendations  
21 that they could have, they can give us about how we  
22 could potentially move forward.

23 Q Okay. And when you have those kinds of  
24 questions about students that school districts want  
25 to refer to Rutland Academy GNETS program and you

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1 reach out to the State Department of Education, who  
2 specifically do you reach out to?

3 A Vickie Cleveland or LaKesha Stevenson.

4 Q Okay. It sounds like many of the kinds of  
5 questions that you reach out to Ms. Cleveland or  
6 Ms. Stevenson for are when you are unsure about  
7 certain things and you're looking for clarification;  
8 is that fair?

9 A Yes, that's fair.

10 Q And why do you reach out to  
11 Ms. Cleveland -- Ms. Cleveland or Ms. Stevenson?  
12 Why those two individuals?

13 A Since they are the program, you know,  
14 director and coordinator for GNETS and they -- they  
15 often will -- you know, they just -- I just feel  
16 like they have great wisdom, and I want to make sure  
17 that is there any recommendations or something else  
18 I can be doing differently to support our districts  
19 because I want to make sure we're supporting them  
20 and providing them with all that they need, so --

21 Q Are Ms. Cleveland and Ms. Stevenson  
22 generally responsive to your requests?

23 A Oh, yes.

24 MS. WOMACK: I would like to have this  
25 document marked as Plaintiff's Exhibit 226.



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1 (Plaintiff's Exhibit 226 was marked for  
2 identification purposes.)

3 Q (By Ms. Womack) Ms. Ngeve, you have been  
4 handed what has been marked as Plaintiff's Exhibit  
5 226. This is a document Bates-stamped GA00356905.  
6 It's an email from you to Vickie Cleveland dated  
7 January 3rd, 2020. The subject is "Chat?" Do you  
8 recognize this document?

9 A Yes.

10 Q Is this an email that you sent to Vickie  
11 Cleveland?

12 A Yes.

13 Q And is this an example of what we were  
14 just discussing, you reaching out to Ms. Cleveland  
15 to discuss a student that a district wants to send  
16 to Rutland?

17 A Yes.

18 Q Do you recall what this email -- the  
19 situation that this email related to?

20 A No.

21 Q Okay. Once a student arrives at Rutland  
22 Academy, are they given any assessments to determine  
23 where they are, either behavior -- behaviorally or  
24 academically?

25 A Yes.

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1 Q So starting with behaviorally, what  
2 assessments are students given when they arrive at  
3 Rutland?

4 A We often will do a strength and  
5 difficulties questionnaire to find out some of the  
6 things that they may be having some -- some more  
7 challenges -- some extreme challenges with versus  
8 other things -- and that really looks at how they  
9 feel about themselves, how they perceive where they  
10 are -- to kind of get an understanding of where the  
11 student is because just asking -- asking Q and A may  
12 not be as easy for some of our students. That's one  
13 of the ones that we do.

14 Q Do you give any other assessments to  
15 determine where students are behaviorally when they  
16 come to Rutland?

17 A Often we will just mainly -- not  
18 necessarily another assessment; but when it comes to  
19 behaviorally, we -- we use the data that's coming  
20 from the school district, but then also we will do  
21 student interviews. Often the social worker would  
22 be the one that would do the interview because it's  
23 not a person that's going to be giving them grades  
24 or anything like that. So they just kind of do a  
25 student interview to kind of find out how they're

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1 feeling, what kind of things they feel like they're  
2 struggling with, just to get an understanding.

3 Q Okay. And does the social worker  
4 interview every student who is new to Rutland in  
5 that way?

6 A Yes.

7 Q Who determined that Rutland would give the  
8 SDQ to assess where students are behaviorally?

9 A We have been using that for quite some  
10 time. I'm not sure exactly who initially determined  
11 that, but I definitely determined that we continue  
12 using it.

13 Q Okay. But you don't know who initially  
14 made that decision?

15 A No.

16 Q You mentioned earlier a -- I believe it's  
17 an assessment called the BASC?

18 A Yes.

19 Q Is that something that's administered to  
20 Rutland students?

21 A Yes.

22 Q Do you administer that when students  
23 arrive, or is there some other sort of schedule for  
24 how students are administered that assessment?

25 A Usually they will do the BASC-3 if it's --

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1 it depends. It depends if it's close to that -- to  
2 the IEP -- annual IEP date that's coming up, they  
3 may do that. If the IEP is in November and the  
4 student starts in October, it's good to kind of get  
5 that updated information because it may be helpful  
6 as it comes to planning and helping support the  
7 student. So it depends.

8 Q Is the typical practice to administer the  
9 BASC close to a student's annual IEP meeting?

10 A We do them at the beginning of the school  
11 year for all students, but then we also do it closer  
12 to the actual IEP date.

13 Q Okay. Understood. And who made the  
14 decision that the BASC would be administered?

15 A I -- I -- I -- I made the decision for it  
16 to continue, but it was previously done here by  
17 former directors.

18 Q Who made the decision when it began to be  
19 used?

20 A A former director.

21 Q A former director?

22 A Yes.

23 Q In terms of assessing students -- or  
24 assessing where students are academically when they  
25 arrive at Rutland Academy, are there any assessments

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1 given?

2 A Yes.

3 Q And what are those?

4 A Usually we use i-Ready to get the  
5 baseline. We get the diagnostic data. And that's  
6 going to let us know, math and reading, where they  
7 are academically. And we provide incentives for the  
8 students so they actually try their best to do it,  
9 and we can get a really good gauge of where they are  
10 academically.

11 We also -- depending on the data that's  
12 provided from the district, we may start with them  
13 having, like, a Wilson reading assessment to really  
14 understand where they are with their reading level  
15 and assess them within that first week to find out  
16 if they may need to be at a higher level of books  
17 than what it was deemed prior to them coming here,  
18 because sometimes students may or may not have put  
19 in their best effort in previous settings; so it may  
20 not be accurate information.

21 Q Okay. So students are assessed  
22 academically as to where they are with i-Ready and  
23 then also possibly the Wilson reading assessment?

24 A Yes. And for some students Foundations as  
25 well with -- with reading.

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1 Q Okay. And who made the decision that  
2 students would be assessed academically using  
3 i-Ready?

4 A i-Ready is from the State Department.  
5 We all -- all the GNETS use i-Ready, but then I, you  
6 know, make sure that we're doing that as well.

7 Q Okay. And when you say it's from the  
8 State Department that all the GNETS programs use  
9 that, you're saying that i-Ready is something that  
10 the State Department has indicated that -- that all  
11 the GNETS programs should use?

12 A Yes.

13 Q Okay. And then you reinforce that by  
14 making sure that it's actually implemented?

15 A Correct, yes.

16 Q What about the Wilson reading assessment?  
17 Who made the decision that that would be used as an  
18 assessment?

19 A Myself, along with our reading specialist  
20 from RESA. She provided that training to our  
21 teachers, and she always provides it to any new  
22 teachers that might be teaching reading. So she  
23 kind of helped us really increase our rigor with  
24 making sure that reading was a primary focus after  
25 looking at data across time and realizing that that

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1 was a curriculum that was helpful for our students.  
2 And our other districts were using it as well.

3 Q Okay. And then who made the decision  
4 about using Foundations where that's used to assess  
5 reading?

6 A Again, myself, along with our reading  
7 specialist from RESA.

8 MS. WOMACK: I would like to have this  
9 document marked as Plaintiff's Exhibit 227.

10 (Plaintiff's Exhibit 227 was marked for  
11 identification purposes.)

12 THE WITNESS: Thank you.

13 Q (By Ms. Womack) Ms. Ngeve, you have been  
14 handed what's been marked as Plaintiff's Exhibit  
15 227. This is a document bearing the Bates number  
16 GA00362585. It is an email from you to Vickie  
17 Cleveland dated October 6, 2020. The subject is  
18 "Re: SDQ/BASC," B-A-S-C, "Follow-up." Do you  
19 recognize this document?

20 A Yes.

21 Q And am I correct that this is an email  
22 exchange between you and Vickie Cleveland regarding  
23 SDQ and BASC?

24 A Yes.

25 Q Your email to Ms. Cleveland responds to an

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1 earlier email from Ms. Cleveland that you received;  
2 is that correct?

3 A Yes.

4 Q Does it appear that that email that you  
5 received from Ms. Cleveland was sent to -- it's  
6 addressed "Directors." Do you see that?

7 A I do.

8 Q Was that email sent to all the GNETS  
9 directors?

10 A I don't know.

11 Q But the email is directed to directors?

12 A Correct.

13 Q Okay. And you received this email?

14 A Yes.

15 Q In Ms. Cleveland's email that you  
16 received, she says, "This is" -- "This email is a  
17 follow up to our directors on last week regarding  
18 the SDQ and BASC assessments. See the guidance  
19 below." Do you see that?

20 A Yes.

21 Q Is this referring to a GNETS directors'  
22 meeting?

23 A Yes.

24 Q Had you met with Ms. Cleveland at a GNETS  
25 directors' meeting prior to receiving this email?



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1 A I'm unsure of the exact date, but -- of  
2 the meeting or if I -- if I was present at that  
3 meeting.

4 Q Mm-hmm. In number 1 in Ms Cleveland's  
5 email that you received, she says, "Please disregard  
6 the previous testing calendar that was sent. These  
7 dates are not set in stone. You have flexibility as  
8 to when you administer the assessment." Do you see  
9 that?

10 A Yes.

11 Q What assessment is -- is this referring  
12 to?

13 A I'm not sure at this time.

14 Q Is it -- do you understand from this email  
15 that it's referring either to the SDQ or the BASC  
16 assessment?

17 A Potentially.

18 Q You didn't -- sitting here today, you  
19 don't have any understanding of what you understood  
20 this email to mean?

21 A Not that particular line as far as which  
22 exact assessment that she was referring to, whether  
23 it's SDQ or BASC or either of those, since it  
24 mentioned a previous meeting.

25 Q Further down, Ms. Cleveland says, "We have

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1 found SDQ & BASC completion ONCE a year is adequate  
2 to drive IEP development. Each GNETS has the  
3 flexibility to determine administering these  
4 assessments more than once a year if you choose."  
5 Do you see that?

6 A Yes.

7 Q Do you understand this to mean that the  
8 SDQ and BASC need to be administered at least once a  
9 year?

10 A Yes.

11 Q Ms. Cleveland notes that SDQ and BASC  
12 completion drive IEP development. Do you see that?

13 A Yes.

14 Q Do you agree with that?

15 MR. MURPHY: Are you asking her about the  
16 time line in terms of once a year or that it's  
17 adequate to drive IEP development in general?

18 Q (By Ms. Womack) Yeah, so -- so here  
19 Ms. Cleveland says, "We have found SDQ & BASC  
20 completion ONCE a year is adequate to drive IEP  
21 development," and I'm asking do you agree with that?

22 A That it being done once a year is  
23 adequate?

24 Q To drive IEP development?

25 A In some cases, yes, to help.

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1 Q And are there cases where you would say  
2 that SDQ and BASC completion once a year is not  
3 adequate to drive IEP development?

4 A Yes.

5 Q And in those cases, Ms. Cleveland is  
6 indicating here that the GNETS programs have  
7 flexibility to administer those assessments more  
8 than once a year --

9 A Yes.

10 Q -- if they choose to do so?

11 A Yes.

12 Q But those assessments are to be  
13 administered at least once a year?

14 A Yes.

15 Q IEPs have come up on several occasions in  
16 our conversation today. Does Rutland Academy  
17 provide any reporting to the Georgia Department of  
18 Education regarding the IEPs of students at Rutland  
19 Academy?

20 A When you say information regarding the  
21 IEPs, what exactly are you asking?

22 Q I am just asking broadly is there any  
23 information regarding student IEPs or student files  
24 that you provide to the Georgia Department of  
25 Education?

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1 A No.

2 MR. MURPHY: Before we move on from this  
3 exhibit, can I can ask --

4 MS. WOMACK: Mm-hmm.

5 MR. MURPHY: Every time that y'all have  
6 been referring to the "BASC," sometimes I  
7 thought it sounded like "BAS," B-A-S, but you  
8 have always been referring to the B -- the  
9 B-A-S-C, the instrument referenced in Exhibit  
10 227?

11 THE WITNESS: Yes.

12 MR. MURPHY: Is that right? Have you got  
13 that?

14 MS. WOMACK: We can provide it.

15 MR. MURPHY: Okay.

16 MS. WOMACK: I am going to ask the court  
17 reporter to please mark this document as  
18 Plaintiff's Exhibit 228.

19 (Plaintiff's Exhibit 228 was marked for  
20 identification purposes.)

21 Q (By Ms. Womack) Ms. Ngeve, you have been  
22 handed what has been marked as Plaintiff's Exhibit  
23 228. This is a document bearing the Bates stamp  
24 GA00055066. At the top this is an email from you to  
25 Vickie Cleveland dated December 2nd, 2020. The

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1 subject is "Re: File review." Do you recognize this  
2 document?

3 A Yes.

4 Q And am I correct that your email to  
5 Ms. Cleveland responds to an earlier email that  
6 Ms. Cleveland sent that you received?

7 A Yes.

8 Q And is Ms. Cleveland's email directed to  
9 the group directors?

10 A Yes. It says, "Greetings Directors."

11 Q Okay. And she goes on to say, "Just  
12 updating everyone on the IEP file reviews. The date  
13 for completing the reviews has been extended to  
14 January 15, 2021." Do you see that?

15 A I do.

16 Q What are the IEP file reviews that are  
17 referenced here?

18 A There were -- I don't remember the full  
19 expected of the file reviews.

20 Q The file reviews -- were the IEP file  
21 reviews something that the directors were required  
22 to complete?

23 A Yes.

24 Q Who at Rutland was responsible for  
25 completing those IEP file reviews?

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1 A Myself.

2 Q And sitting here today, you don't know  
3 what those IEP file reviews entailed?

4 A I don't remember all the details of  
5 that -- of the file reviews. I remember that  
6 generally overall, but I don't remember exactly what  
7 the purpose of them were, now looking back.

8 Q So do you -- can you just tell me what you  
9 do recall about those IEP file reviews, what the  
10 goal of the review was?

11 A I don't remember exactly.

12 Q Okay. But you were charged with  
13 conducting IEP file reviews, the ones that are  
14 referenced here?

15 A Yes.

16 Q And Ms. Cleveland is -- is emailing or  
17 communicating that the date for completing those  
18 reviews has been extended?

19 A Correct.

20 Q So there was a deadline for completion of  
21 those reviews?

22 A Yes.

23 Q Are these IEP file reviews something that  
24 Rutland Academy sort of has done repeatedly?

25 A No.

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1 Q This was sort of an individual project?

2 A That I recall, yes.

3 Q What is Rutland Academy GNETS program's  
4 annual operating budget?

5 A I do not know that exact number right off  
6 the top of my head, honestly.

7 Q Do you have a ballpark?

8 A No. Because it's not the same each year;  
9 so I'm not exactly sure.

10 Q Is it in the millions?

11 A I can't recall.

12 Q Where do the funds that make up the  
13 Rutland Academy operating budget come from?

14 A The State Department as well as the  
15 special -- the LEAs that we serve, the 13 districts.

16 Q Does Rutland Academy receive any  
17 per-people funds from the QBE?

18 A I am not as familiar. I can't remember  
19 that exactly.

20 Q Okay. Is there a budget process by which  
21 Rutland Academy requests funding?

22 A Not that I'm -- not that I can recall  
23 exactly the -- the process.

24 Q Is there any process by which funding is  
25 determined for Rutland Academy on a yearly basis?

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1 A Yes.

2 Q And what is that process?

3 A It is determined by, of course, the number  
4 of enrollment as far as every so many years they  
5 look at the number of enrollment, but also the  
6 districts collaborate on the budget and how --  
7 what's in our -- how the budget is being used, how  
8 much is -- how many teacher allotments and staff  
9 allotments are needed and things of that nature,  
10 along with human resources and our finance people  
11 from RESA.

12 Q And you have mentioned several times  
13 during our conversation today a GNETS grant  
14 application?

15 A Yes.

16 Q What is the GNETS grant application?

17 A It's an application we have to submit  
18 annually to the State Department regarding how our  
19 program has ran and everything that's needed -- that  
20 we did within the school year, should I say, as far  
21 as how many staff, the staffing pattern, the number  
22 of students receiving mental health support, number  
23 of students that -- I think it includes the number  
24 of students that transitioned. There's several  
25 different things that are included in that. But



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1 really how the program -- everything about the  
2 program from that particular year. That's for the  
3 GNETS grant.

4 Q And when you're providing that information  
5 in connection with the GNETS grant, what is the  
6 purpose of you providing that information? What are  
7 you looking for?

8 A That's to -- for budget -- for budget  
9 purpose for the -- from what I understand, from the  
10 State Department to determine the amount of the  
11 budget, the specifics -- the specific needs and what  
12 have we -- have we done in -- in -- in alignment  
13 with the -- the GNETS Board rule as far as what we  
14 should be providing to students and supports and  
15 making sure that everything is being done  
16 appropriately, you know, for the students and the  
17 school, whatever is related to the budget.

18 Q And then once the State Department  
19 receives that grant application with all of that  
20 information, then decisions are made about the  
21 amount of money that Rutland Academy will get from  
22 the State Department? Is that -- am I understanding  
23 that correctly?

24 A Yes.

25 THE VIDEOGRAPHER: We're coming up on

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1           about an hour and half, and I have got about  
2           five or six more minutes on my card at this  
3           point --

4                   MS. WOMACK: Yeah, let's just take a  
5           break.

6                   THE VIDEOGRAPHER: And we are off the  
7           record at 3:39.

8                   (Recess taken.)

9                   THE VIDEOGRAPHER: And we are back on the  
10          record at 3:51.

11          Q        (By Ms. Womack) So before the break we  
12          were discussing funding.

13                   MS. WOMACK: And I would like to have the  
14          court reporter please mark this as Plaintiff's  
15          Exhibit 229.

16                   (Plaintiff's Exhibit 229 was marked for  
17          identification purposes.)

18          Q        (By Ms. Womack) Ms. Ngeve, you have been  
19          handed a document that has been marked as  
20          Plaintiff's Exhibit 229. It bears the Bates stamp  
21          Rutland 002910. Do you recognize this document?

22          A        Yes.

23          Q        What is this?

24          A        This is the grant -- grant application  
25          from 2021. Says, "Fiscal year: 2021," so yes.

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1 Q This is Rutland Academy's grant  
2 application for the fiscal year 2021?

3 A Yes.

4 Q If you flip through this document, this  
5 looks like a printout of a computer-based document.  
6 Is this something that's submitted electronically?

7 A Yes.

8 Q Is this submitted through the Georgia  
9 Department of Education portal?

10 A Yes.

11 Q Does this document that has been marked as  
12 Plaintiff's Exhibit 229 contain the information that  
13 the Rutland GNETS program submitted to the Georgia  
14 Department of Education in connection with its grant  
15 application for fiscal year 2021?

16 A Yes.

17 Q Who at Rutland would have been in charge  
18 of submitting this information?

19 A I would.

20 Q Anyone else?

21 A Not submitting it.

22 Q Okay. Is anyone else involved in  
23 compiling this information to prepare it for  
24 submission?

25 A Yes.

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1 Q Who else is involved?

2 A The coordinator.

3 Q Anyone besides her?

4 A No.

5 Q And what role does your coordinator play?

6 A I apologize. Let me answer -- can I add  
7 to that?

8 Q Sure.

9 A Also human resources. There -- there may  
10 be -- there's additional information sometimes I  
11 have to request from them to make sure it's accurate  
12 for the grant application as well.

13 Q Okay. And what role does your coordinator  
14 play in preparing information for submission as part  
15 of this grant application?

16 A Just pulling the documents as far as the  
17 mental health agencies and different things that  
18 we're going to have to put in. Just pulling the  
19 documents together so we can all go ahead and put  
20 everything in.

21 Q Okay. Is it fair to say there is a large  
22 amount of information that must be submitted in  
23 connection with this grant application?

24 A Yes.

25 Q To whom is the information in this grant

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1 application submitted?

2 A It's submitted in the portal, and then  
3 Vickie Cleveland and LaKesha Stevenson pretty much  
4 sign -- well, they, I think, pull information from  
5 there.

6 Q Okay. So this information then goes to  
7 Vickie Cleveland and LaKesha Stevenson --

8 A Yes.

9 Q -- once it's submitted?

10 A Yes.

11 Q This grant application was for fiscal year  
12 2021. What is the relative time frame in which this  
13 grant application would have been actually submitted  
14 to the Georgia Department of Education?

15 A The time frame would have been May --  
16 between May -- May till the end of June, likely.

17 Q Of what year?

18 A It would have been for -- from last --  
19 last year.

20 Q So for -- I just -- fiscal years confuse  
21 me a little bit; so I want to be clear. This is for  
22 fiscal year 2021.

23 A So then --

24 Q Is fiscal year 2021 the 2020 to 2021  
25 school year?

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1           A       If it was fiscal year 2021, it would have  
2       been submitted in 2020 for the '21-'22 school year.  
3       It would have been submitted in 2020 for the  
4       following year.

5           Q       So it would have been submitted in --

6           A       I'm sorry. I'm sorry. No. I'm getting a  
7       little -- little confused a little bit. We submit  
8       it at the end of the school year with the  
9       information from that current school year as we  
10      prepare for the following school year.

11          Q       So is it correct, then, that if this grant  
12      application is for fiscal year 2021, it would have  
13      been submitted in May or June of 2020 for the  
14      2020-2021 school year?

15          A       I don't want to say that accurate for  
16      sure. Because we do it at the end of the school  
17      year from the -- with the information from that  
18      particular school year in preparation for the next  
19      one. So when it says fiscal year 2021 --

20          Q       Okay. But, in any event, the process is  
21      that Rutland Academy submits its grant application  
22      in May or June --

23          A       Yes.

24          Q       -- of each school year?

25          A       Correct.

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1 Q And the information that's contained in  
2 that grant application is from all of the school  
3 year leading to the time when it's submitted?

4 A Correct.

5 Q Okay. And you said previously that this  
6 grant application is what Rutland submits to obtain  
7 state funds for its program; is that right?

8 A Yes.

9 Q Is Rutland obligated to complete all of  
10 the sections of this grant application in order to  
11 obtain those funds?

12 A Yeah, all -- all -- all components have to  
13 be completed, yes.

14 Q And on this first page of the grant  
15 application, is -- do you see the -- the text that  
16 appears in blue?

17 A Yes.

18 Q Are these, kind of, categorical areas  
19 summarized that then in the pages that follow  
20 Rutland has provided more specific information  
21 about?

22 A Yes.

23 Q I would like to direct your attention to  
24 the page that bears the Bates number Rutland 002925.

25 A Okay.

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1 Q What is the -- the, sort of, category of  
2 this section of the grant application that Rutland  
3 completed for fiscal year 2021?

4 A The staffing pattern.

5 Q So in this grant application, Rutland  
6 provides information about its staffing pattern?

7 A The staffing pattern is already in the  
8 system; so we don't have to put that information in  
9 there. It's normally based on what we have already  
10 had as far as existing staff.

11 Q Okay. So this information gets -- does  
12 this information get auto-populated?

13 A It does, based on what we had, I think  
14 prior to that previously. And then we can let them  
15 know if there's any changes that need to be made or  
16 there's something different --

17 Q Okay.

18 A -- if I'm not mistaken on this particular  
19 part.

20 Q So if there is something that's  
21 inaccurate, would you notify the Georgia Department  
22 of Education to let them know?

23 A Yes, yes.

24 Q Okay. And so on this page and continuing  
25 on to the next page, this portion of the grant



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1 application identifies each staff person at Rutland  
2 and the category of staff that they belong to; is  
3 that accurate?

4 A Yes.

5 Q So it shows, for example, you know, how  
6 many GNETS teachers you have?

7 A Yes.

8 Q And then it would also show how many  
9 paraprofessionals you have?

10 A Yes.

11 Q And does it do that for all of the other  
12 categories of staff at Rutland Academy?

13 A Yes.

14 Q Does this section of the grant application  
15 also show where the funding for those positions come  
16 from -- comes from?

17 A In some it does.

18 Q So just so that I am understanding, if you  
19 look at the GNETS social worker, do you see where  
20 that appears?

21 A Yes.

22 Q And then if you look across, you see it  
23 says "State Grant"?

24 A Yes.

25 Q And it has the number "1" there?

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1 A Yes.

2 Q And so what does that mean?

3 A That it's a state grant that provides our  
4 social worker.

5 Q Okay. And moving down, if you look at --  
6 there's a line for GNETS teacher on this very same  
7 page. Do you see that?

8 A Yes.

9 Q And then under "State Grant" for that  
10 GNETS Teacher category, it says "7." Do you see  
11 that?

12 A Yes.

13 Q What does that mean?

14 A That they're funded from the state grant.

15 Q If you turn over to the very next page, do  
16 you see at the very bottom, it says "Grant Total"?

17 A Yes.

18 Q So this identifies the total number of  
19 Rutland staff?

20 A According to this, yes.

21 Q And does this indicate that all 32 of  
22 those staff are funded by the state grant?

23 A Yes, according to this document, yes.

24 Q Do you have any reason to believe that  
25 this document is inaccurate?

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1 A No.

2 Q Do all of the staff members at Rutland  
3 Academy continue to be funded through the state  
4 grant?

5 A I'm unsure of exactly how the funding  
6 sources are exactly for each position.

7 Q Okay.

8 A Other than the contract employees.

9 Q Okay.

10 MS. WOMACK: I would like to have the  
11 court reporter mark this document as  
12 Plaintiff's Exhibit 230.

13 (Plaintiff's Exhibit 230 was marked for  
14 identification purposes.)

15 THE WITNESS: Thank you.

16 Q (By Ms. Womack) Ms. Ngeve, you have been  
17 handed what has been marked as Plaintiff's Exhibit  
18 230. This is a document bearing the Bates stamp  
19 GA01075799. The top of this document is an email  
20 from you to Vickie Cleveland. The subject is  
21 "Forward: FY21 Preliminary GNETS State and Federal  
22 Grant Allocations."

23 And this document indicates that there are two  
24 attachments, the first of which is a PDF titled  
25 "FY21 Preliminary GNETS State and Federal

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1 Allocations Memo," the second of which is a PDF  
2 titled "Preliminary FY21 GNETS State and Federal  
3 Grant Allocations."

4 Do you recognize this document?

5 A Yes.

6 Q You say in this email, "I just received  
7 the preliminary allocations. Does this include the  
8 social worker or this still going to be funded by  
9 the state department?" Do you see that?

10 A Yes.

11 Q Is the reference to preliminary  
12 allocations a reference to the attachments to this  
13 email?

14 A Yes.

15 Q And for the record, the first attachment  
16 to this email bears the Bates stamp GA01075802. The  
17 second attachment to this email bears the Bates  
18 stamp GA01075803.

19 Turning to the page with the Bates -- it's  
20 actually the very last page on the document.

21 A Mm-hmm.

22 Q It bears the Bates stamp GA01075803. Do  
23 you see that?

24 A I do.

25 Q Do you see the chart there?

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1 A Yes.

2 Q Are these the preliminary allocations that  
3 you reference in your email to Ms. Cleveland?

4 A Yes.

5 Q What was the preliminary state allocation  
6 amount for the Rutland Academy GNETS program as of  
7 July 6th, 2020?

8 A The state amount?

9 Q Mm-hmm.

10 A \$1,549,997.

11 Q And do I understand that in your email you  
12 are asking Ms. Cleveland whether this amount  
13 includes funds for a social worker or whether the  
14 State is separately going to cover the cost of that  
15 social worker over and above the 1.549 million?

16 A Yes.

17 Q Did Ms. Cleveland ever respond to your  
18 email?

19 A Yes.

20 Q What did she say?

21 A The -- the funding would still be there --  
22 there's a different -- a -- a -- a therapeutic grant  
23 for social worker that was still there that was not  
24 included in that number.

25 Q Okay. So separate from this 1.549 million

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1 number, Rutland was a recipient of a different state  
2 grant that would cover the cost of a social worker?

3 A Yes.

4 Q Does Rutland continue to receive those  
5 state funds to cover the cost of its social worker?

6 A Yes.

7 Q Was the amount of state funds that Rutland  
8 was actually allocated for fiscal year 2021  
9 consistent with the state allocation that appears in  
10 this chart?

11 A I'm not sure.

12 Q How long has the State separately been  
13 funding a social worker at Rutland?

14 A I can't remember the exact number of  
15 years.

16 Q What led to the State separately funding  
17 that social worker?

18 A There was a need for more therapeutic  
19 supports in the GNETS, and some -- several GNETS  
20 didn't have one, didn't have certain positions, and  
21 there was an effort for them to try to support us  
22 further in making sure that we had those therapeutic  
23 services.

24 Q Okay. And so prior to this date  
25 separately funding the social worker for Rutland,

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1 did Rutland have a social worker on staff?

2 A No. Not at that time.

3 Q Okay. For the social worker that the  
4 State funds, does Rutland have to retain that social  
5 worker from an approved provider?

6 A They give -- no, not -- not -- we don't  
7 have to from a -- from an approved provider.

8 Q So you can retain that social worker from  
9 anywhere you want?

10 A Yes.

11 Q What is EDUHealth?

12 A EDUHealth is the company that staffed the  
13 social worker.

14 Q Are you familiar with Staff Rehab?

15 A I'm vaguely familiar with it but not as  
16 far as working with them.

17 MS. WOMACK: I would like to have this  
18 document marked as Plaintiff's Exhibit 231.

19 (Plaintiff's Exhibit 231 was marked for  
20 identification purposes.)

21 Q (By Ms. Womack) Ms. Ngeve, you have been  
22 handed what has been marked as Plaintiff's Exhibit  
23 231. This document bears the Bates stamp  
24 GA00348031. This is an email exchange, the most  
25 recent of which is from you to Vickie Cleveland,

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1 dated June 17th, 2019, with the subject "Re: Board  
2 items." Do you recognize this document?

3 A Yes.

4 Q In your email to Ms. Cleveland, you say,  
5 "Has EDUHealth confirmed the same \$87,500 rate with  
6 you? I wanted to check before I complete the forms  
7 for the new social worker." Do you see that?

8 A Yes.

9 Q Does this 87,500 rate refer to the salary  
10 rate for the social worker that the State covers the  
11 cost of?

12 A Yes.

13 Q Was it your expectation that EDUHealth  
14 would have confirmed that salary rate for the new  
15 social worker with Ms. Cleveland?

16 A Yes.

17 Q Did you receive a response to this email?

18 A I don't recall.

19 MS. WOMACK: I would like to have this  
20 document marked as Plaintiff's Exhibit 232.

21 (Plaintiff's Exhibit 232 was marked for  
22 identification purposes.)

23 Q (By Ms. Womack) Ms. Ngeve, you have been  
24 handed what has been marked as Plaintiff's Exhibit  
25 232. This is a document bearing the Bates stamp



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1 GA02427574. This is an email from you to Vickie  
2 Cleveland dated May 20th, 2019, with the subject  
3 "School Social Worker Candidate." Has an attachment  
4 identified that is a Word document entitled  
5 "Joslyns\_resume\_1\_(2)." Do you recognize this  
6 document?

7 A Yes.

8 Q And am I correct that in this email you  
9 write to Ms. Cleveland, and you say, "I've attached  
10 the school social worker candidate I'm interested in  
11 for Rutland Academy. Please let me know if you have  
12 any questions or concerns"?

13 A Yes.

14 Q At the time you sent this email in 2019,  
15 was the State covering the cost of Rutland's social  
16 worker?

17 A Yes.

18 Q And why were you sending this email and  
19 resume to Ms. Cleveland?

20 A Initially -- I was a new director that  
21 year; so I didn't really understand, like, if I need  
22 to let her know, if I need to let our HR people  
23 know. And, honestly, that was an error that I  
24 realized later that I didn't have to let her know  
25 exactly who and send them their credentials and

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1 everything. So I ended up realizing it's just as  
2 long as we secure them and we felt comfortable with  
3 them with our HR, then that's all we have to do.

4 So I was initially sending it because I was  
5 thinking that she needed that information.

6 Q Okay. Apart from the State funds that we  
7 have already discussed, does the Rutland Academy  
8 GNETS program receive funding from any other source?

9 A The districts.

10 Q How much funding does Rutland receive from  
11 the districts?

12 A I don't know the exact amount.

13 Q Do you know a ballpark?

14 A I don't.

15 Q What is that funding used for?

16 A Multiple things as relates to -- to the  
17 school, from staffing -- I'm not sure exactly. I  
18 don't want to say the wrong thing.

19 Q Does Rutland Academy receive any training  
20 or support from the Georgia -- Georgia Center of  
21 Excellence at Georgia State University?

22 A Have we ever or do we -- what -- are you  
23 asking is that consistent ongoing, or are you just  
24 asking at all?

25 Q Let's start currently. Does Rutland

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1 Academy currently receive any training or support  
2 from the Georgia Center of Excellence at Georgia  
3 State University?

4 A Not currently.

5 Q Has Rutland Academy ever received training  
6 or support from the Georgia Center of Excellence at  
7 Georgia State University?

8 A Yes.

9 Q And what training or support did Rutland  
10 Academy receive from the Georgia Center of  
11 Excellence?

12 A Therapeutic trainings, BASC-3 training,  
13 understanding, you know, more about BASC-3, FBA  
14 support and training, and things of that nature.

15 Q Any other categories of training?

16 A Not that I can recall right off. It was  
17 mainly therapeutic supports and trainings.

18 Q Did Rutland pay the Georgia Center of  
19 Excellence for any of those trainings?

20 A I am unsure. It was prior to me being the  
21 director.

22 Q Okay.

23 MS. WOMACK: I would like to have this  
24 document marked as Plaintiff's Exhibit 233.

25 (Plaintiff's Exhibit 233 was marked for

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1 identification purposes.)

2 THE WITNESS: Thank you.

3 Q (By Ms. Womack) Ms. Ngeve, you have been  
4 marked what's -- you have been handed what's been  
5 marked as Plaintiff's Exhibit 233. This is a  
6 document bearing the Bates stamp GA00339166. It is  
7 an email thread, and the most recent email in the  
8 email thread is an email from you to Shanta Rishi  
9 Dube dated January 17th, 2019, with the subject "Re:  
10 Site Visits with GNETS."

11 A Yes.

12 Q Do you recognize this document?

13 A Yes.

14 Q If you would, turn to the second page, and  
15 do you see the email from Shanta Rishi Dube dated  
16 Friday, December 7, 2018?

17 A Yes.

18 Q And this is an email from her to all of  
19 the GNETS directors; is that correct?

20 A Correct.

21 Q And she says in her email, "I have been  
22 directed by Vickie Cleveland to reach out about  
23 setting up site visits with your Programs. I'd like  
24 to come to each of your programs once in February,  
25 once in March, and once in April." Do you see that?

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1 A Yes.

2 Q What was the purpose of these visits that  
3 are referenced here?

4 A Trauma -- she was a trauma-informed care  
5 trainer; so she trained the GNETS directors on  
6 trauma-informed care. She would have been coming to  
7 see how we were implementing trauma-informed care  
8 practices and if we needed additional support.

9 Q Okay. And did she ultimately come and  
10 visit Rutland Academy?

11 A No.

12 Q Why was that?

13 A I believe the partnership ended. I'm not  
14 sure exactly all the details regarding it, but she  
15 no longer was doing the site visits. She initially  
16 was going to do them and started them, I think, but  
17 didn't complete them.

18 Q Did anyone else complete any related site  
19 visits to observe how trauma-informed care was being  
20 implemented at Rutland?

21 A I don't remember for sure.

22 Q You mentioned, or have mentioned during  
23 our conversation today, the strategic plan. Do you  
24 recall that?

25 A Yes.

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1 Q And is that the GNETS strategic plan?

2 A Yes.

3 Q Who drafted the GNETS strategic plan?

4 A The State Department in addition to some  
5 of the GNETS directors had input on it as well.

6 Q And I believe you mentioned earlier that  
7 there are six components of the GNETS strategic  
8 plan; is that right?

9 A Yes.

10 Q Is there any part of the strategic plan  
11 that contains goals for the reduction of segregated  
12 placements?

13 A That wording is not familiar to me.

14 Q Okay. Is the Rutland Academy GNETS  
15 program obligated to comply with the GNETS strategic  
16 plan?

17 A Yes.

18 Q And just sort of from a very big picture  
19 level, how does Rutland comply with the strategic  
20 plan? What is that process?

21 A We're ensuring that each of the components  
22 are being implemented with fidelity, and we're also  
23 keeping the data on those particular -- each -- each  
24 of the six parts of the strategic plan. And we're  
25 meeting as a leadership team to discuss those. We

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1 discuss those components during staff meetings as  
2 well. And I also share that information with our  
3 LEAs when I -- when I meet monthly for LSEAC.

4 Q Does Rutland have to report information  
5 about its implementation of those six components of  
6 the GNETS strategic plan?

7 A Yes.

8 Q And who is that information reported to?

9 A Vickie and LaKesha. Vickie Cleveland and  
10 LaKesha Stevenson.

11 Q Are there standardized categories of  
12 information within that that have to be reported?

13 A Each of the categories have to be -- have  
14 to be -- be reported or shared.

15 Q Okay. And who establishes what  
16 information within those categories have to be  
17 reported or shared?

18 A LaKesha and Vickie -- LaKesha Stevenson  
19 and Vickie Cleveland send the information out to us  
20 as far as who is going to -- what information has to  
21 be in each of those areas.

22 But it also goes back to the strategic plan  
23 specifically based on what the input was from some  
24 of the GNETS directors as well as them -- as far as  
25 what goes in each category is filled out on there,

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1 things that could be potential documents for those  
2 sections.

3 Q Okay. Is there a self-assessment that  
4 takes place as part of Rutland's compliance with the  
5 strategic plan?

6 A Yes.

7 Q And how does that self-assessment process  
8 work?

9 A The self-assessment process -- we do it as  
10 a leadership team. And we discuss where we are  
11 doing really well at and what areas we need to  
12 improve on, and then we make plans for how to  
13 improve those. And we also share with the  
14 staff meeting -- staff -- staff to see if there's  
15 any additional input or anything that they think  
16 might need to be rated differently as well.

17 Q So when you say things that need to be  
18 rated differently, are there ratings that go along  
19 with this self-assessment process?

20 A Yes.

21 Q Who determines those ratings?

22 A Who determines how we're rated or what the  
23 ratings are as far as the categories of ratings?

24 Q Who determines what the ratings are?

25 A The leadership team, as well as the staff,



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1 as far as how we -- like, we have done with each one  
2 of those.

3 Q Okay. So the leadership team and the  
4 staff -- you all rate yourselves initially?

5 A Correct. Based on the strategic plan.

6 Q Okay. Is there any process by which those  
7 self-ratings are then reviewed by anyone else?

8 A Yes.

9 Q And what is that process?

10 A If it's -- if it's our year to have a --  
11 to do a strategic plan in person where they're  
12 coming to monitor ours -- because it rotates as far  
13 as, if you're a new director, you have certain --  
14 certain number of years that you're -- you're  
15 definitely going to be -- get the site visit where  
16 they're going to come and actually review the  
17 strategic plan with you; so they go through all the  
18 documents at that time.

19 Q When you say they are going to come and  
20 they go through documents at that time, who is  
21 "they"?

22 A Vickie Cleveland and LaKesha Stevenson.  
23 And sometimes it's one or the other.

24 Q Okay. And so there are some years where  
25 Rutland will have an in-person visit --

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1 A Correct.

2 Q -- from Ms. Cleveland or Ms. Stevenson --

3 A Correct.

4 Q -- to review your self-ratings on the  
5 self-assessment?

6 A Yes. As well as the artifacts for the  
7 strategic plan.

8 Q And when you say the artifacts for the  
9 strategic plan, is that documentation showing  
10 whether you have complied with those six components  
11 of the strategic plan?

12 A Yes.

13 Q And so Ms. Cleveland and Ms. Stevenson, if  
14 they come on-site, then, will review those  
15 artifacts? Am I understanding that right?

16 A Yes.

17 Q Who participates in that on-site review  
18 with Ms. Cleveland and Ms. Stevenson when they come  
19 for Rutland? Who from Rutland participates in that?

20 A Members of the leadership team.

21 Q And so if I -- if I remember correctly,  
22 that's you and your coordinator; correct?

23 A We're part of the leadership team, yes.

24 Q And the leadership team also includes the  
25 intensive interventionist?

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1 A Correct.

2 Q I believe there is one more member of the  
3 leadership team. Am I missing someone?

4 A There's grade-level chairs as well as the  
5 social worker.

6 Q Okay. So all of those individuals would  
7 participate in the on-site review with Ms. Cleveland  
8 and Ms. Stevenson?

9 A Not all. It just depends on what time  
10 period and if the teachers can be out of the  
11 classroom.

12 Q Okay. Would you participate in that  
13 on-site review --

14 A Yes.

15 Q -- with Ms. Cleveland and Ms. Stevenson?

16 A Yes.

17 Q In all aspects of that?

18 A Yes.

19 Q Do Ms. Cleveland and Ms. Stevenson ask  
20 questions of you or your leadership team when they  
21 are present for an on-site as part of the GNETS  
22 strategic plan process?

23 A Yes.

24 Q Do they ever request that Rutland provide  
25 additional artifacts beyond those that Rutland may

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1 have already collected?

2 A Yes.

3 Q Does Rutland collect that information and  
4 provide it when requested?

5 A Yes.

6 Q Does anything -- apart from what we have  
7 already discussed in terms of meetings and  
8 discussions and the review of artifacts when  
9 Ms. Cleveland or Ms. Stevenson come for an on-site  
10 review, what else do Ms. Cleveland or Ms. Stevenson  
11 do when they're here for an on-site review?

12 A They take a tour of the school. They  
13 see the -- they see the classrooms. They see how  
14 students are responding to things that are -- that  
15 are going on in the school. They just take a tour  
16 and, you know, get an idea, you know, of what's  
17 really happening, the climate and culture of the  
18 school, of -- of Rutland Academy.

19 Q Do they sit in and -- and conduct  
20 classroom observations?

21 A No.

22 Q They just tour the actual facility?

23 A Correct. During the site -- during the  
24 strategic plan review, they will just tour --

25 Q Okay.

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1 A -- first.

2 Q How long are they on-site when they come  
3 for a strategic plan review?

4 A It varies.

5 Q What is -- on the low end, how long are  
6 they on-site?

7 A Five hours.

8 Q And on the high end, how long are they  
9 on-site?

10 A Seven hours.

11 Q So a full day on the high end?

12 A Yes.

13 Q Okay. Is there any goal-setting as part  
14 of the on-site review with Ms. Cleveland or  
15 Ms. Stevenson?

16 A Were there -- are you asking are they  
17 asking us to develop goals?

18 Q Yeah, or if there's any conversation about  
19 goals for Rutland during those on-site reviews.

20 A Not particular -- no.

21 Q Okay. Do Ms. Cleveland or Ms. Stevenson  
22 give Rutland feedback during the on-site review?

23 A No.

24 Q You mentioned that there are artifacts  
25 that are provided to demonstrate compliance with

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1 components of the strategic plan; correct?

2 A Correct.

3 Q In situations where there are not  
4 artifacts to demonstrate compliance, what occurs in  
5 those situations, or how is that handled?

6 A They may request additional documentation  
7 and ask us to send it to them.

8 Q Okay. So that's something that would be  
9 kind of a follow-up item for Rutland that they would  
10 request additional information. You would go  
11 collect it and then provide it to them?

12 A Yes.

13 Q And when you provide that information,  
14 would you provide that through the Georgia  
15 Department of Education portal?

16 A Yes.

17 MS. WOMACK: I am going to ask for three  
18 documents to be marked. Are we at 234? I  
19 would like to have this document marked as  
20 Plaintiff's Exhibit -- 234, I believe, is where  
21 we are.

22 (Plaintiff's Exhibit 234 was marked for  
23 identification purposes.)

24 MS. WOMACK: I would like to have this  
25 document marked as Plaintiff's Exhibit 235.

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1 (Plaintiff's Exhibit 235 was marked for  
2 identification purposes.)

3 MS. WOMACK: And then I would like to have  
4 this document marked as Plaintiff's Exhibit  
5 236.

6 (Plaintiff's Exhibit 236 was marked for  
7 identification purposes.)

8 Q (By Ms. Womack) Ms. Ngeve, the court  
9 reporter has handed you three documents marked  
10 Plaintiff's Exhibit 234, 235, and 236. Plaintiff's  
11 Exhibit 234 is a document bearing the Bates stamp  
12 Rutland 00610. Plaintiff's Exhibit 235 is a  
13 document bearing the Bates stamp Rutland 00611.  
14 Plaintiff's Exhibit 236 is a document bearing the  
15 Bates stamp Rutland 000614.

16 Starting first with Plaintiff's Exhibit 234, do  
17 you recognize this document?

18 A Yes.

19 Q And this is a letter from Vickie Cleveland  
20 to you dated December 7, 2020; is that correct?

21 A That's correct.

22 Q This letter references that GNETS  
23 strategic plan that we have been discussing?

24 A Yes.

25 Q It notes, if you look in -- at the second

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1 sentence in the first paragraph, it says, "GaDOE  
2 developed and provided a rubric and guidance to  
3 assess how well each component of the plan was  
4 implemented in FY20." Do you see that?

5 A Yes.

6 Q Did you receive the rubric and guidance  
7 that's mentioned here?

8 A Yes.

9 Q Who did you get that rubric and guidance  
10 from?

11 A I believe it was from Vickie Cleveland.

12 Q Did you use that rubric and guidance in  
13 self-assessing how well each component of the GNETS  
14 strategic plan was implemented at Rutland in FY20?

15 A Yes.

16 Q Okay. Moving on to Plaintiff's Exhibit  
17 235, do you recognize this document, Ms. Ngeve?

18 A Yes.

19 Q What is this document?

20 A The results -- our strategic plan results  
21 on the rubric in 2020.

22 Q Okay. Do these ratings reflect the final  
23 ratings for the Rutland Academy GNETS program after  
24 any strategic plan review with the State Department  
25 of Education?



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1 A Yes.

2 Q Am I correct that in the strategic plan  
3 results, Rutland was rated "Operational" in all  
4 areas except for one?

5 A Correct.

6 Q What was the area where Rutland was not  
7 rated "Operational"?

8 A In transitioning from GNETS services.

9 Q And what does "transitioning from GNETS  
10 services" mean?

11 A Being -- going back to traditional school  
12 settings as far as in that particular setting,  
13 just -- like, how students transition back to their  
14 traditional school settings.

15 Q Okay. What was Rutland rated in that  
16 area?

17 A "Emerging."

18 Q What was the basis for the "Emerging"  
19 rating for transition from GNETS services?

20 A It indicated that some of our activities  
21 that were required were accomplished consistently  
22 with sources of evidence to support implementation  
23 for this action item. However, the feedback that we  
24 also got was that they're interested in us working  
25 with the districts to see if there are going to be

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1 more -- like, any site locations in the districts so  
2 that, when students leave our setting, that they go  
3 back into potentially a GNETS-type classroom within  
4 the school systems.

5 Q Okay. And when you say "they," who are  
6 you referring to?

7 A Ms. Cleveland and Ms. Stevenson.

8 Q Okay. When did Rutland last receive  
9 strategic plan results? What was the most recent  
10 year?

11 A I believe -- I believe this was our most  
12 recent one, because COVID happened the next school  
13 year. I believe, if I'm not mistaken, that this was  
14 the most recent.

15 Q Okay. When there is not an on-site review  
16 with the Georgia Department of Education, is there  
17 any sort of virtual meeting or review that you have  
18 with Ms. Cleveland or Ms. Stevenson?

19 A Some GNETS, yes.

20 Q And what about Rutland?

21 A We didn't have a virtual one for the  
22 following year.

23 Q Okay. Did you -- for those years when you  
24 didn't have a virtual review, did you still complete  
25 the strategic plan self-assessment process?

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1 A Yes.

2 Q Did you provide those self-assessment  
3 ratings to the Georgia Department of Education?

4 A Not that I recall.

5 Q Okay. Moving to Plaintiff's Exhibit 236,  
6 do you recognize this document?

7 A Yes.

8 Q And what is this?

9 A This is our GNETS strategic plan.

10 Q Okay. So this would outline those six  
11 component areas that you referenced before?

12 A Yes.

13 Q If you turn to page 6 of this document,  
14 does this page outline the directions for completing  
15 the self-assessment rating scale?

16 A Yes.

17 Q Are these the directions that Rutland  
18 followed in 2020 when completing the self-assessment  
19 rating scale?

20 A Yes.

21 Q If you look in the very last paragraph on  
22 this page --

23 A Yes.

24 Q And I believe it's the fourth sentence in.  
25 Do you see it starts, "GNETS directors and team

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1 leaders will review the data for each section..."?

2 A Yes.

3 Q Then it goes on to say, "record the  
4 average outcome onto the Strategic Plan Improvement  
5 Summary Form, rate each area on the summary form as  
6 a priority based on the average score, and select  
7 the top 3 priorities to address for immediate  
8 improvement."

9 A Yes.

10 Q Do you see that? What were Rutland's  
11 three priority areas to address for immediate  
12 improvement in its 2020 self-assessment process?

13 A I don't remember.

14 Q Okay. Did Rutland identify three priority  
15 areas?

16 A Yes.

17 Q Okay.

18 MS. WOMACK: I would like to have the  
19 court reporter mark this document as  
20 Plaintiff's Exhibit 237.

21 (Plaintiff's Exhibit 237 was marked for  
22 identification purposes.)

23 THE WITNESS: Thank you.

24 Q (By Ms. Womack) Ms. Ngeve, you have been  
25 handed what's been marked as Plaintiff's Exhibit

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1 237. This is a document Bates-stamped GA00330515.  
2 It's an email thread, the most recent of which is an  
3 email from you to Keith Everson with a copy to  
4 Vickie Cleveland and Suzanne Korngold, dated August  
5 3rd, 2018. And the subject is "Re: Updated  
6 invitation: Meeting to Discuss Rutland Advisory  
7 Board Processes @ Wednesday August 15, 2018 10am -  
8 11am." Do you recognize this document?

9 A Yes.

10 Q I believe you said earlier that Keith  
11 Everson was the -- previously the director of the  
12 Northeast Georgia RESA; is that correct?

13 A Executive director, yes.

14 Q Executive director of the Northeast  
15 Georgia RESA. Who is Suzanne Korngold?

16 A She is the -- one of our LEAs in one of  
17 our districts.

18 Q And what role does she have in that LEA?

19 A She's a special ed director.

20 Q Okay. And is she with Ocone?

21 A Yes.

22 Q If you turn to the second page, do you see  
23 the meeting invite for a meeting to discuss Rutland  
24 advisory board processes?

25 A Yes.

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1 Q And am I correct that that meeting invite  
2 was sent by Keith Everson?

3 A Yes.

4 Q It was sent to Vickie Cleveland, Suzanne  
5 Korngold, and you?

6 A Correct.

7 Q When it says this is a meeting to discuss  
8 Rutland advisory board processes, what specifically  
9 was the purpose of this meeting?

10 A To discuss the way the advisory board at  
11 that time was functioning.

12 Q And what about how the advisory board was  
13 functioning?

14 A How -- if -- if the advisory board needed  
15 to continue as it was doing at the time as it  
16 was meeting. Basically that the advisory board was  
17 no longer part of the GNETS Board rule, so that if a  
18 group of LEAs were coming together to meet, it  
19 should be provided -- to provide in kind -- so  
20 additional support services for Rutland Academy, not  
21 necessarily serve in the capacity of an advisory  
22 board, as it was no longer part of the GNETS Board  
23 rule.

24 Q Okay. And so were you trying to  
25 understand what those advisory board meetings should

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1 then continue to look like?

2 A No.

3 Q What were you trying to determine?

4 A It wasn't me necessarily trying to  
5 determine how they should function. It was just --  
6 Vickie wanted to make sure that -- that we were  
7 meeting in a way that -- that were in -- that was in  
8 alignment with what we should be doing for GNETS and  
9 not necessarily having an advisory board because  
10 we didn't need -- an advisory board was no longer a  
11 part of the board rule.

12 Q Okay.

13 A So it was more to help the team understand  
14 that, as we're meeting, those meetings should  
15 function as support for Rutland, not necessarily as  
16 an advisory board, because that was no longer part  
17 of the board rule.

18 Q Okay. Did this meeting ever occur?

19 A It did.

20 Q And did everyone who was invited to the  
21 meeting on this meeting invite participate?

22 A Yes.

23 Q Did the meeting have any impact on the  
24 Rutland advisory board processes following the  
25 meeting?

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1 A Yes.

2 Q What was that impact?

3 A The -- the meetings started -- the  
4 meetings changed as far as the way they function,  
5 and they were not -- it was no longer considered the  
6 advisory board. It was a collaborative council to  
7 provide additional supports to Rutland and find out  
8 what supports were needed for GNETS and not  
9 necessarily as an advisory board.

10 Q Okay. Did Ms. Cleveland's participation  
11 in the discussion of that meeting influence what  
12 those processes look like after the meeting?

13 A Yes.

14 Q In what way?

15 A The advisory board no longer met as an  
16 advisory board, and the purpose and function was to  
17 provide supports for the -- for Rutland Academy as  
18 far as in kind and any additional supports that were  
19 needed, and it no longer was considered an advisory  
20 board. It was considered a collaborative council  
21 immediately following that meeting.

22 Q Okay. So this advisory board had  
23 previously been called the "Rutland Advisory Board"?

24 A Correct.

25 Q And so after this meeting, that name was



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1 changed to the "Rutland Collaborative Council"?

2 A Correct.

3 MS. WOMACK: I would like to have this  
4 document marked as Plaintiff's Exhibit 238.

5 (Plaintiff's Exhibit 238 was marked for  
6 identification purposes.)

7 THE WITNESS: Thank you.

8 Q (By Ms. Womack) Ms. Ngeve, you have been  
9 handed what's been marked as Plaintiff's Exhibit  
10 238. This is a document bearing the Bates stamp  
11 Rutland 000090. Do you recognize this document?

12 A Yes.

13 Q What is this?

14 A It's a Rutland advisory meeting minutes.

15 Q And these are -- well, what is the date of  
16 the advisory meeting for which these are meeting  
17 minutes?

18 A 5/15/19.

19 Q And is this meeting a meeting of the same  
20 advisory board that was the subject of the meeting  
21 with Ms. Cleveland and Keith Everson and Suzanne  
22 Korngold that we just discussed?

23 A Yes.

24 Q If you look a third to a half of the way  
25 down this first page, do you see where it says,

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1 "Strategic plan was a success - won't get scores  
2 until June"?

3 A Yes.

4 Q It then says, "The audit is complete and  
5 they chose files at random. For the most part the  
6 audit went well." Do you see that?

7 A Yes.

8 Q What audit does this refer to?

9 A It was the review. It was the -- it was  
10 the strategic plan review.

11 Q And that's a review conducted by the  
12 Georgia Department of Education?

13 A Yes.

14 Q This goes on to say, "The DOE found a  
15 couple of situations that they had questions about  
16 but for the most part we are following policy and  
17 procedure." Do you see that?

18 A Yes.

19 Q Was the State DOE looking for compliance  
20 with policy and procedure in the audit that's  
21 referenced here?

22 A Yes. That's in the strategic plan review.

23 Q Moving down a couple more bullet points,  
24 do you see where it says, "Districts must  
25 communicate to our schools and teachers that when a

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1 student isn't responding to the program at RA, we  
2 need to make a plan to provide other service options  
3 at other options within our districts because those  
4 students aren't making progress"?

5 A Yes.

6 Q What does it mean when it says that a  
7 student isn't responding to the program at RA?

8 A If they have been here for a period of  
9 time and they're not making the progress that we  
10 would like to see them making, for the IEP teams to  
11 come together and talk about other options that may  
12 be appropriate for that student in their districts.

13 Q And "RA" here is a shorthand here for  
14 Rutland Academy?

15 A Correct.

16 Q The other options that are referenced  
17 here -- are these specifically other service options  
18 within the student's home school system?

19 A That's correct.

20 Q And then if you look on the second page,  
21 the very last bullet point, do you see the bullet  
22 point that says, "Rutland Collaborative Council  
23 meeting dates for next year"?

24 A Yes.

25 Q And then it identifies the dates and says,

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1 "dates are set prior to LSEAC intentionally so  
2 information can be shared with the group"?

3 A Yes.

4 Q One, Rutland Collaborative Council is this  
5 advisory group that is -- that these minutes are  
6 for; correct?

7 A Correct.

8 Q And when this says that the dates for the  
9 Rutland Collaborative Council are set prior to LSEAC  
10 so information can be shared with the group, what  
11 was the thinking behind that?

12 A To make sure that the collaborative  
13 council came together to provide any supports that  
14 were necessary to -- because during the LSEAC  
15 meeting, there is an agenda on LSEAC for me to share  
16 out but also for the collaborative council chair,  
17 Ms. Korngold, to share out so that they can -- she  
18 can provide updated information.

19 Q Okay.

20 MS. WOMACK: I would like to have this  
21 document marked as Plaintiff's Exhibit 239.

22 (Plaintiff's Exhibit 239 was marked for  
23 identification purposes.)

24 THE WITNESS: Thank you.

25 Q (By Ms. Womack) Ms. Ngeve, you have been

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1 handed what has been marked as Plaintiff's Exhibit  
2 239. This is a document bearing the Bates number  
3 Rutland 000047. Do you recognize this document?

4 A Yes.

5 Q What is this?

6 A This is the -- an LSEAC update for Rutland  
7 Academy.

8 Q And were these sorts of updates related to  
9 Rutland Academy prepared for LSEAC on a sort of  
10 routine basis?

11 A Yes, this is the report I share on a  
12 monthly basis.

13 Q Okay. On a monthly basis. Who created  
14 this document?

15 A I did.

16 Q Do you see at the top of this document,  
17 there's a reference that says "Strategic Plan 4d"?

18 A Yes.

19 Q What is the significance of this being on  
20 this document?

21 A To indicate that we are doing -- we're  
22 following up -- when I set up my LSEAC updates, I  
23 like to make sure it's in -- it's in alignment with  
24 the strategic plan. And Strategic Plan 4d  
25 indicates, "Collaborate with LEAs to ensure the

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1 allocation of supports and resources, which may  
2 include in-kind services to GNETS is provided to  
3 facilitate flexible models of service delivery and  
4 best practices for equitable educational  
5 opportunities."

6 That -- I want to make sure that the LSEAC team  
7 always know that, as I share out, it's related --  
8 everything that I'm doing is related, that things  
9 that I'm sharing are related to our strategic plan.

10 Q Okay. And in the parentheses at the end  
11 of the paragraph that you just read, it says  
12 "160-4-7.15." What is that a reference to?

13 A The -- it's an -- it's -- how it's listed  
14 directly in the strategic plans relates to the  
15 requirements of the board rule.

16 Q Okay. Is this document an artifact that  
17 shows compliance with Section 4d of the GNETS  
18 strategic plan?

19 A Yes.

20 Q And do you use it as an artifact in the  
21 strategic plan and self-assessment and review  
22 process?

23 A Yes.

24 Q Does this update contain various  
25 information about Rutland Academy as of the date of

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1 the update?

2 A Yes.

3 Q I want to turn to the second page of this  
4 document. Do you see the section that's titled  
5 "Supports Needed"?

6 A Yes.

7 Q And in this it says, "Rutland Academy  
8 students have not taken a field trip in over six  
9 years which doesn't aid in ensuring our students  
10 receive the same opportunities as they would in  
11 their traditional school settings." Have I read  
12 that correctly?

13 A Yes.

14 Q And then it's says, "We'd like to take 5  
15 local field trips this year." Do you see that?

16 A Yes.

17 Q Is it accurate that at the time of this  
18 update, which was August 16, 2019, Rutland Academy  
19 students had not taken a field trip in over six  
20 years?

21 A That's correct.

22 Q And you were interested in taking five  
23 field trips during the 2019-2020 school year?

24 A Yes.

25 Q Did Rutland take any field trips during

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1 the 2019-2020 school year?

2 A No.

3 Q And why is that?

4 A The districts -- we don't have a bus; so  
5 the districts would have to provide that  
6 transportation for us to be able to go on the field  
7 trips. And when we started doing the planning for  
8 it, more so at the beginning of -- well,  
9 throughout this -- right after, like, January or  
10 February, when that planning started, well, we had  
11 two districts that were definitely saying that they  
12 were willing to do those things.

13 But when the districts -- as we got -- set up  
14 the plans, everything was supposed to happen -- the  
15 first field trip was supposed to happen the week  
16 after we got out for COVID -- COVID; so it never  
17 ended up happening.

18 Q Okay.

19 A So it was coordinating with the districts  
20 and their transportation departments to see how we  
21 can make that work because often the drivers go  
22 drive for their districts as well after they bring  
23 our students.

24 Q Okay. Have there been any field trips at  
25 Rutland Academy since the date of this update?



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1 A No.

2 Q On this second page and then also on the  
3 third page, there are orange notations --

4 A Yes.

5 Q -- that have "Strategic Plan," and then a  
6 number and a letter. Do you see those?

7 A Yes.

8 Q What is the purpose of those markers?

9 A To let the L -- the LSEAC team know that  
10 that's in alignment with the strategic plan -- plan  
11 for that particular number and that particular  
12 letter. So if they pull up the strategic plan, they  
13 will see that it's in alignment as far as what I'm  
14 sharing out.

15 Q Okay.

16 MS. WOMACK: I would like to have this  
17 document marked as Plaintiff's Exhibit 240.

18 (Plaintiff's Exhibit 240 was marked for  
19 identification purposes.)

20 Q (By Ms. Womack) You have been handed a  
21 document that has been marked as Plaintiff's Exhibit  
22 240. This document bears the Bates stamp Rutland  
23 000013. Do you recognize this document?

24 A Yes.

25 Q What is this?

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1           A       This is a Rutland -- the Rutland Academy  
2       update for LSEAC for January 24th, 2020.

3           Q       Okay. Can you turn to the second page of  
4       this?

5           A       Yes.

6           Q       Under "Student Partial Transitions-  
7       Reintegration to Home District" -- do you see that  
8       section?

9           A       Yes.

10          Q       And it says, "Currently there is 1 student  
11       on a partial transition"?

12          A       Yes.

13          Q       Do you know if that student ever  
14       transitioned fully back to their home school system?

15          A       Yes, the student did.

16          Q       Is this also an update that you prepared  
17       yourself?

18          A       Yes.

19                 MS. WOMACK: Okay. I would like to have  
20       this document marked as Plaintiff's Exhibit  
21       241.

22                 (Plaintiff's Exhibit 241 was marked for  
23       identification purposes.)

24                 THE WITNESS: Thank you.

25          Q       (By Ms. Womack) Ms. Ngeve, you have been

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1 handed what's been marked as Plaintiff's Exhibit  
2 241. This is a document Bates-stamped Rutland  
3 000002.

4 A Yes.

5 Q Do you recognize this document?

6 A Yes.

7 Q What is this?

8 A This is an update that was provided for  
9 the Board of Control.

10 Q And what is the Board of Control?

11 A Those are the 13 superintendents that are  
12 the Board of Control for the Northeast Georgia RESA.

13 Q And is that the governing body for  
14 Northeast Georgia RESA?

15 A It is.

16 Q Did you prepare this document?

17 A I did.

18 Q Did you routinely prepare Rutland Academy  
19 updates for the Board of Control?

20 A As requested.

21 Q Okay. So this would have been prepared in  
22 response to a specific request by the Board of  
23 Control?

24 A A request from our former executive  
25 director as he was preparing to meet with the Board

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1 of Control for the beginning of the school year.

2 Q Okay. And this update provides, on the  
3 second page, a snapshot of Rutland staffing as of  
4 the time of the update; is that right?

5 A That's correct.

6 Q If you turn to the second-to-last page, do  
7 you see the section entitled "Referral Process"?

8 A Yes.

9 Q In this first bullet point, it says,  
10 "Celest and Latoya vet the referrals with the  
11 Guidance for GNETS Placement standardized questions  
12 and provide districts with feedback before  
13 scheduling an IEP meeting. If the team at Rutland  
14 feels the review needs to be expanded, the  
15 Collaborative Council can assist as needed. Set  
16 criteria for referral packet must be followed."

17 Do you see that?

18 A Yes.

19 Q This initial vetting -- is this the  
20 process that we discussed earlier that you go  
21 through when students are referred to Rutland  
22 Academy for consideration of GNETS services?

23 A Yes.

24 Q What does it mean when this says, "If the  
25 team at Rutland feels the review needs to be

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1 expanded, the Collaborative Counsel can assist as  
2 needed"?

3 A If we feel like there is additional --  
4 additional supports that might be needed -- needed  
5 for that particular student or that particular  
6 teacher, that particular school, the Collaborative  
7 Council may have some suggestions, if it's for that  
8 particular district or even if it's for another  
9 district, of ways that we can possibly provide  
10 support or ways that may have been helpful for their  
11 teachers to get support when there may not have been  
12 all the pieces that are in the referral that were  
13 there.

14 Q And then this says, "Set criteria for  
15 referral packet must be followed." Do you see that?

16 A Yes.

17 Q What is that set criteria?

18 A The criteria from the GNETS Board rule as  
19 far as the consideration, the student information  
20 packet, as well as a consultation. Like, we have to  
21 follow what's in alignment with the board rule for  
22 those documents.

23 Q Okay.

24 MS. WOMACK: I would like to have this  
25 document marked as Plaintiff's Exhibit 242.

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1 (Plaintiff's Exhibit 242 was marked for  
2 identification purposes.)

3 MR. MURPHY: I will keep your time for  
4 you.

5 MS. WOMACK: How much do I have left?

6 MR. MURPHY: Thirty-three.

7 MS. WOMACK: Thirty-three minutes?

8 MR. MURPHY: About. Give or take.

9 MS. WOMACK: All right.

10 MR. MURPHY: Making me thirsty.

11 Q (By Ms. Womack) Ms. Ngeve, you have been  
12 handed what's been marked as Plaintiff's Exhibit  
13 242.

14 A Yes.

15 Q This is a document Bates-stamped Rutland  
16 000071.

17 A Yes.

18 Q Do you recognize this document?

19 A Yes.

20 Q And what is this?

21 A This is the Rutland Academy updates for  
22 LSEAC for December 11, 2020.

23 Q Okay. And this update, again, like the  
24 other updates, contains a snapshot of Rutland  
25 Academy's staffing as of the date of this update?

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1 A That's correct.

2 Q And at the time of this particular update,  
3 there were two teachers vacancies and --

4 A No. There was -- oh, two -- okay. Yes.  
5 I thought you were just looking at elementary. I  
6 apologize.

7 Q Well, why don't you tell me how many  
8 vacancies were there as of the time of this update?

9 A There were one -- one teacher el -- one  
10 teacher vacancy, one middle school teacher vacancy,  
11 one high school paraprofessional vacancy, and one  
12 multi-age classroom paraprofessional vacancy.

13 Q How did Rutland Academy account for the  
14 elementary school classroom that had no teacher at  
15 this point in the school year?

16 A We had split up the classes pretty much  
17 the way they were going to the other two classes.

18 Q So you took what had previously been three  
19 elementary school classes and divided them among two  
20 elementary school classes?

21 A Yes. And allowed the paraprofessional for  
22 that third class to go back and forth between both  
23 classes to support.

24 Q Okay. And how did you handle the  
25 multi-age classroom that had no paraprofessional?

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1           A           We had substitutes at the time that we  
2           would have in that classroom. Some were considered  
3           long-term substitutes; so they were able to come a  
4           lot more frequently. Otherwise, we also -- we  
5           changed the specials schedule so that, when they  
6           didn't have a class, we could rearrange the schedule  
7           so that specials teachers could also come in and  
8           provide additional support in the multi-age  
9           classroom.

10          Q           Okay. If you turn to the second-to-last  
11          page of this update --

12          A           Yes.

13          Q           -- do you see the section titled  
14          "Strategic Plan"?

15          A           Yes.

16          Q           Had Rutland's strategic plan review been  
17          completed by the time of this update for this  
18          particular year?

19          A           The -- we had -- we had received the  
20          update that was from the previous year; so we had  
21          received the results at that time.

22          Q           Okay. You had received the results at  
23          that time from the 2019-2020 school year?

24          A           Correct.

25          Q           Okay. Do you see in this section there



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1 are four recommendations listed?

2 A Yes.

3 Q Who made those recommendations?

4 A Vickie Cleveland and LaKesha Stevenson.

5 Q Were those recommendations made in the  
6 context of the strategic plan review?

7 A Yes. Just in the discussion that they  
8 were having with us during our review.

9 Q Okay.

10 A Yes.

11 Q What was the first of those  
12 recommendations?

13 A "Districts should request for GNETS  
14 consultations so that GNETS staff can provide  
15 suggestions, interventions/strategies and  
16 recommendations prior to submitting referral to  
17 ensure that all services/interventions/strategies  
18 and settings have been tried for a significant  
19 period of time with data to support consideration  
20 for a GNETS placement."

21 Q What was the second recommendation?

22 A "Students that have been in a GNETS  
23 placement for a long period of time should have been  
24 given opportunities to return to their traditional  
25 school settings with data collection to support what

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1 worked and what did not."

2 Q What was the third recommendation?

3 A "Districts with bigger numbers of students  
4 should consider having a GNETS classroom in their  
5 schools for continuation of services."

6 Q And what was the fourth recommendation?

7 A "Students being served in GNETS should  
8 have opportunities to participate in extra  
9 curriculum activities/sports/activities in their  
10 traditional school settings."

11 Q Have any of these recommendations been  
12 implemented?

13 A Yes.

14 Q Which ones?

15 A Let's see. Go back to each one. More  
16 districts have definitely -- on the first  
17 recommendation, more districts have requested  
18 consultations and consultative support, where we're  
19 providing a lot more support prior to a district  
20 submitting a referral. That often leads to them not  
21 submitting a referral at all because we can provide  
22 that support to the school.

23 Also -- all of them have been implemented.

24 Students that have been in a GNETS placement  
25 for a long period of time should be given

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1 opportunities to transition to -- to return to their  
2 traditional schools. Those that have been  
3 implemented more with fidelity of just really  
4 looking at what students have been in GNETS for a  
5 period of time and giving them those opportunities  
6 to try to -- to try and transition. So we have  
7 meetings -- IEP meetings to discuss what that would  
8 look like for them to transition back.

9 Unfortunately, that frequently yields our  
10 students regressing, at home as well as at school,  
11 and parents not wanting to -- to start that process,  
12 but we do. We have been more intentional on meeting  
13 with those particular districts that have students  
14 that have been here for longer periods of time.

15 As well as -- we have started the conversations  
16 for the following recommendation on the districts  
17 with bigger numbers of students should consider  
18 having a GNETS classroom.

19 There's been several districts that were very  
20 open to having satellite classes within their  
21 districts, and we were starting that planning  
22 process just before COVID happened. And then once  
23 COVID happened, everyone kind of paused everything  
24 for a moment. But districts have indicated that  
25 they're very interested in starting those

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1 conversations back up.

2 Also the -- the final one was students being  
3 served in GNETS should have opportunities to  
4 participate in extracurricular -- curriculum  
5 activities, sports activities in their traditional  
6 school settings.

7 The IEP teams have -- with -- at Rutland have  
8 always talked about those trans -- like, what that  
9 would like for a student to participate in their  
10 traditional schools, but now we have been more  
11 intentional about putting it in the minutes to  
12 indicate that we did address -- like, we did  
13 discuss, like, what -- what sports the kiddo might  
14 be interested in, what the criteria is for those  
15 particular things, and if the student really would  
16 like to try to work towards that.

17 So we have had several students that have  
18 started working towards trying to get -- meet the  
19 criteria, but we haven't had any students that have  
20 yet gone back and actually get did of the couple  
21 that have mentioned that they were interested.

22 But we have been intentional about, you know,  
23 having meetings to discuss it in their IEP processes  
24 and also having the districts -- having their  
25 coaches and different people come over and talk to

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1 students about what that would look like to play for  
2 them and things of that nature. So just getting our  
3 students to be able to meet the criteria of just  
4 some of the basics of just being  
5 consistently present at school.

6 It's been mainly high school students that have  
7 been interested, but they have to be at school, and  
8 they have to have attendance, and they have to have  
9 certain grades, so --

10 Q Okay.

11 A -- yes.

12 Q So with respect to GNETS students  
13 participating in extracurricular activities --

14 A Yes.

15 Q -- did you have any Rutland Academy GNETS  
16 students who participated in extracurricular  
17 activities in the 2021-'22 school year?

18 A We did not.

19 Q And you referenced on several occasions  
20 the criteria to participate in extracurricular  
21 activities, and so I just want to be clear that I  
22 understand what those criteria are.

23 A It's different for the districts based on  
24 the different clubs and organizations. Some are as  
25 basic as having consistent attendance for periods of

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1 time and being -- passing all their classes, and  
2 that's where our students sometimes -- that's where  
3 the issue is for the kiddos that have interest --  
4 expressed interest in wanting to go and participate  
5 in some of those activities or clubs is just  
6 consistently being at school as well as passing  
7 their classes. Like, they didn't even tell them  
8 they had to have a certain GPA. They just needed to  
9 be passing their classes.

10 Q Mm-hmm.

11 A So just getting them to be more consistent  
12 with understanding that the ball is in their court  
13 because the districts are very open to it. They  
14 have always been open to it and talking about it,  
15 but now we have been more intentional about  
16 documenting that in the minutes when we meet.

17 Q Okay. Are there any criteria, apart from  
18 attendance and grades, that come to mind?

19 A They also -- we also talked about the  
20 social, emotional, and behavioral expectations that,  
21 you know, they have a goal that they're working on  
22 maintaining physical boundaries, and they have to be  
23 mindful that they have to be mastering, or at least  
24 meeting, the expectations for those as well so that,  
25 when they go there, they can trust that they're

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1 going to exhibit the appropriate behavior with their  
2 peers.

3 Q Okay. And then you mentioned that you  
4 were talking about one of the recommendations about  
5 consultations, and so I wanted to ask -- because we  
6 talked earlier about the consultations that you did  
7 in group settings in the 2021-'22 school year --

8 A Yes.

9 Q -- with staff. In the 2021-'22 school  
10 year, approximately how many consultations did you  
11 go out to provide for individual students?

12 A I don't know the exact number.

13 Q Do you have a rough range?

14 A Yes. Because it definitely variates. For  
15 the -- for this year, six to twelve. There were a  
16 lot more this school year of individual student  
17 observations and supports that were needed, yes.

18 Q And so you said six to twelve for the  
19 2021-'22 school year; is that correct?

20 A Yes.

21 Q Okay. And you said there were more --  
22 that number is higher than it typically is in a  
23 given school year?

24 A Yes.

25 Q Okay.

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1           A       Now, some of those were multiples, like it  
2       may -- like, I'm only counting one, even if I went  
3       back, like, four times for that same student.

4           Q       Right.

5           A       I'm not counting that as a separate one.  
6       But yes.

7           Q       These are six to twelve unique students?

8           A       Correct.

9           Q       Okay.

10               MS. WOMACK: I would like to have this  
11       document marked as Plaintiff's Exhibit 243. Is  
12       that where we are?

13               THE WITNESS: Yes.

14               (Plaintiff's Exhibit 243 was marked for  
15       identification purposes.)

16           Q       (By Ms. Womack) Ms. Ngeve, you have been  
17       handed what has been marked as Plaintiff's Exhibit  
18       243.

19           A       Yes.

20           Q       This is a document bearing the Bates stamp  
21       Rutland 000007. Do you recognize this document?

22           A       Yes.

23           Q       And what is this?

24           A       This is the Rutland Academy updates for  
25       LSEAC from January 15, 2021.



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1 Q If you look in this "Successes" section on  
2 the first page --

3 A Yes.

4 Q -- do you see where it says, "Physical  
5 Restraints have decreased significantly. We've only  
6 had 5 physical restraints during the 2020-2021  
7 school year so far"?

8 A Yes.

9 Q This update is dated January 15th, 2021;  
10 so is it fair to say that this represents five  
11 physical restraints primarily in the fall semester  
12 of school?

13 A Correct.

14 Q And this says that that was a significant  
15 decrease for Rutland; is that right?

16 A Yes.

17 Q How many restraints, on average, had there  
18 been at this point in a school year in prior years?

19 A I don't know the exact number, off the top  
20 of my head.

21 Q Do you have a range?

22 A Yes. Anywhere from 10 to 20.

23 Q Okay.

24 MR. MURPHY: It might be late in the day  
25 to establish a ground rule; but whenever she

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1 asks you for a number and you don't know the  
2 exact number, you can just go ahead and provide  
3 the range.

4 THE WITNESS: Okay. I will provide the  
5 range. Thank you.

6 MR. MURPHY: Is that okay?

7 MS. WOMACK: That's fine.

8 MR. MURPHY: Should have done that six  
9 hours ago.

10 Q (By Ms. Womack) Has Rutland maintained  
11 the decreased rate of restraints that's referenced  
12 here since January 15, 2021?

13 A Yes.

14 Q How many total restraints were there last  
15 year at Rutland in the 2021-'22 school year?

16 A Between four and seven for the whole  
17 school year.

18 MS. WOMACK: I would like to have this  
19 document marked as Plaintiff's Exhibit 244.

20 (Plaintiff's Exhibit 244 was marked for  
21 identification purposes.)

22 Q (By Ms. Womack) Ms. Ngeve, you have been  
23 handed the document that has been marked Plaintiff's  
24 Exhibit 244. This document bears the Bates stamp  
25 Rutland 000040. Do you recognize this document?

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1 A Yes.

2 Q I would like to direct your attention  
3 again to the "Successes" section. Do you see where  
4 it says, "Physical Restraints have decreased  
5 significantly. We had less than 20 physical  
6 restraints during the 2020-2021 school year so far"?

7 A Yes.

8 Q And this update is provided near the end  
9 of the school year; is that right?

10 A Yes.

11 Q And this says that less than 20 for the  
12 school year was a significant decrease. How many  
13 restraints had there been, on average, in prior  
14 school years for the entire school year?

15 A Anywhere from a range of 15 to 25.

16 Q Do you have any opinion about what  
17 prompted the decrease in physical restraints?

18 A Yes. Being very intentional about  
19 proactive strategies, more therapeutic walks. For  
20 me, I'm always looking at data and sharing it with  
21 the -- with the leadership team and talking about  
22 ways we can decrease. I start my goal every school  
23 year with we want to have zero restraints this year.  
24 As close to zero as we can get, that's the best I  
25 want to have.

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1           So really being very intentional on providing  
2           as many proactive strategies to keep from a student  
3           having to be placed in any kind of physical  
4           restraint because that's an intervention of last  
5           resort.

6           Q       What -- you mentioned a therapeutic walk.  
7           What is a therapeutic walk?

8           A       So if a student becomes very frustrated  
9           and overwhelmed and they are not de-escalating  
10          within the classroom setting, either the teacher,  
11          the paraprofessional, myself, or a social worker --  
12          any staff member that walks by and notices that  
13          student is revving up -- we take them on a  
14          therapeutic walk. And that's just really walking up  
15          and down the hall. Sometimes we may go to the  
16          common room to just kind of de-escalate for a few  
17          moments. And other times it's just a walk.

18          And sometimes students don't want to talk about  
19          anything. Sometimes students talk about everything.  
20          And we always give them the option -- we ask them,  
21          "Would you like to talk during this walk?" And  
22          sometimes they say yes, and sometimes they say no.  
23          But sometimes they -- even if they say -- they say  
24          no, they still start talking about what they were  
25          really frustrated about.

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1 But it's just a moment to give them an  
2 opportunity to get away from the setting and  
3 de-escalate.

4 Q Okay.

5 MS. WOMACK: I would like to mark this  
6 document as Plaintiff's Exhibit 235 [sic].

7 (Plaintiff's Exhibit 245 was marked for  
8 identification purposes.)

9 THE WITNESS: Thank you.

10 Q (By Ms. Womack) Ms. Ngeve, you have been  
11 handed what's been marked as Plaintiff's Exhibit 235  
12 [sic].

13 A Yes.

14 Q This is a document bearing the Bates stamp  
15 GA00334101.

16 A Yes.

17 Q This is an email from you to Vickie  
18 Cleveland dated September 26, 2018, with a copy to  
19 several others. Do you recognize this document?

20 A Yes.

21 Q Your email response to an earlier email  
22 that Ms. Cleveland sent; is that correct?

23 A That's correct.

24 Q And in her email, she says, "I have  
25 attached the monthly log that must be submitted to

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1 GaDOE via portal email for therapeutic services  
2 provided by your social workers. Social workers  
3 should submit this information to you to upload in  
4 the portal on the 1st day of the month."

5 It then goes on to say, "LCSWs/LMSWs should  
6 provide the student name, type of intervention that  
7 was provided to students and the date of  
8 intervention." Do you see that?

9 A Yes.

10 Q Did Rutland Academy complete the log that  
11 Ms. Cleveland provided after receiving this email?

12 A Yes.

13 Q Does Rutland continue to submit these logs  
14 to the Georgia Department of Education via portal?

15 A Yes.

16 Q Are those submitted on a monthly basis?

17 A Yes.

18 Q Does anyone from the Georgia Department of  
19 Education ever follow up with you regarding the  
20 social worker logs that Rutland has submitted?

21 A Yes.

22 Q And in what instances would they follow up  
23 with you?

24 A They may follow up to let us know either  
25 they haven't received it yet, or they may let us

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1 know -- follow up with us to let us -- ask us about,  
2 like, when we first -- the first time we did it, we  
3 were -- the social worker was being a little bit too  
4 in-depth, and they really wanted more of an  
5 overview. They didn't want to know all the details  
6 of all the specific things that they talked about  
7 with the student; so they were providing too much  
8 information, basically.

9 Q Okay.

10 A And, you know, they wanted -- out of  
11 respect for confidentiality, they wanted to just  
12 kind of know, you know, the general overview of what  
13 they did in those sessions with the students, so --

14 Q Okay.

15 A -- yes.

16 MS. WOMACK: And I would like to have this  
17 marked as Plaintiff's Exhibit 236 [sic].

18 (Plaintiff's Exhibit 246 was marked for  
19 identification purposes.)

20 THE WITNESS: Thank you.

21 Q (By Ms. Womack) You have been handed what  
22 has been marked as Plaintiff's Exhibit 236 [sic].  
23 This is a document bearing the Bates stamp  
24 GA00343329.

25 A Yes.

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1 Q Do you recognize this document?

2 A Yes.

3 Q Is this an example of the Georgia  
4 Department of Education following up with you  
5 regarding the content of the social worker logs that  
6 are being submitted on behalf of Rutland to the  
7 Department of Education?

8 A Yes.

9 Q Okay. And in this particular email, does  
10 Ms. Cleveland convey concern that a particular  
11 social worker log doesn't have the therapeutic  
12 interventions documented?

13 A Yes.

14 Q Okay. Did you call and have a  
15 conversation with Ms. Cleveland about this?

16 A Yes.

17 Q And what was the outcome of that  
18 conversation?

19 A The social worker just had to indicate --  
20 they were -- they were putting the interventions in  
21 the wrong way. They weren't putting them in the  
22 interventions box. And they were putting them in  
23 the wrong location; so they had to revise it and  
24 resubmit it to me. And then I had to resubmit it to  
25 them -- to Vickie Cleveland.



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1 Q Okay.

2 A Through the portal.

3 MS. WOMACK: I would like to have this  
4 document marked as Plaintiff's Exhibit 237  
5 [sic].

6 (Plaintiff's Exhibit 247 was marked for  
7 identification purposes.)

8 Q (By Ms. Womack) Ms. Ngeve, you have been  
9 handed what's been marked as Plaintiff's Exhibit 237  
10 [sic]. This is a document that bears the Bates  
11 stamp Rutland 000579.

12 A Yes.

13 Q Are you familiar with this document?

14 A Yes.

15 Q What is this document?

16 A This is our school improvement plan for --

17 Q Who --

18 A -- for Rutland -- for Rutland Academy.

19 Q Who generated this document?

20 A Myself. I did.

21 Q Was this improvement plan developed in --  
22 MR. MURPHY: We're up to 247; right? Is  
23 that what we're on? 247?

24 THE WITNESS: That's what I have, yeah.

25 MS. WOMACK: Oh, 247. I'm sorry.

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1 MR. MURPHY: Unofficially, we are at ten  
2 minutes.

3 MS. WOMACK: Okay.

4 Q (By Ms. Womack) Is -- was this school  
5 improvement plan developed in conjunction with the  
6 GNETS strategic plan process or independently of  
7 that?

8 A Utilize -- yes, it was utilizing the  
9 strategic plan information, but it also was  
10 utilizing just discussions we had been having as a  
11 leadership team, as well as the staff, so not only  
12 the strategic plan.

13 Q Okay. Did Rutland Academy meet the goals  
14 that are specified in this document by the end of  
15 the 2021-2022 school year?

16 A No.

17 MS. WOMACK: Okay. I think I would like  
18 to take a brief break.

19 MR. MURPHY: Sure. Make the final stretch  
20 count.

21 MS. WOMACK: Make sure that I have a nice  
22 wrap-up.

23 THE VIDEOGRAPHER: And we are off the  
24 record at 5:29.

25 (Recess taken.)

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1 MR. MURPHY: I'm going to put a stopwatch  
2 on you for eight minutes now.

3 THE VIDEOGRAPHER: And we are back --

4 MS. WOMACK: I have it going here.

5 THE VIDEOGRAPHER: We are back on the  
6 record at 5:37.

7 MS. WOMACK: Great.

8 Q (By Ms. Womack) Ms. Ngeve, does Rutland  
9 Academy have rooms that are used specifically for  
10 student de-escalation?

11 A Yes.

12 Q Does Rutland Academy have rooms that are  
13 used for therapeutic containment?

14 A Yes.

15 Q Does Rutland Academy have rooms that are  
16 used for intensive intervention?

17 A Yes.

18 Q Is the use of rooms for student  
19 de-escalation, therapeutic containment, or intensive  
20 intervention documented in any way?

21 A For intensive intervention, yes, because  
22 they're meeting with intensive interventionists; and  
23 so he's doing the form when they come into his  
24 office.

25 And as far as the therapeutic -- one of the

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1 therapeutic rooms, they -- that is our -- where we  
2 do our group therapy as well as our calming and  
3 de-escalation rooms; so there is not a consistent  
4 because it's -- it just kind of depends on whatever  
5 students are needing at that -- at that time. And  
6 that's not like a -- they don't have to sign in to  
7 go into that room as long as the room is available.  
8 A student may need it with a teacher. They can go  
9 into those rooms.

10 And with the intensive intervention -- well, in  
11 the -- with the rooms where the intensive -- the II  
12 rooms that are not the intensive intervention office  
13 where students may have a physical restraint or they  
14 may be physically aggressive or things of that  
15 nature, there's not one location.

16 There's not a sign-in log there, but they  
17 are -- if they have to get a physical restraint, it  
18 is documented in there in Infinite Campus.

19 Q Okay. Does Rutland Academy use seclusion  
20 rooms?

21 A Seclusion rooms? No.

22 Q Has Rutland Academy, during the time that  
23 you have worked here in whatever capacity, ever used  
24 seclusion rooms?

25 A Yes.

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1 Q And how long ago was that?

2 A 2007. So --

3 Q Was the last time you recall there being a  
4 use of a seclusion room?

5 A Yes.

6 Q Have any students at Rutland Academy been  
7 physically harmed by the use of restraint or  
8 physical intervention by staff in the last two  
9 years?

10 A No.

11 Q Have any Rutland Academy students sought  
12 medical care following an incident of physical  
13 restraint or physical interaction with staff in the  
14 past two years?

15 A Yes.

16 Q And in what situations did that occur?

17 A If a student mentioned that their arm was  
18 hurt or their -- or their -- if they mention  
19 anything about "I don't feel good" or anything they  
20 mention at all, we always take them to go see the  
21 nurse. Even if it -- even if there was no  
22 physical -- even if -- even if there was nothing  
23 that should have led to their hand being hurt or  
24 their head hurting. But if they mention anything  
25 about not feeling well after any kind of physical

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1 incident, we take them to see the nurse immediately.

2 Q Have any of those instances where that has  
3 occurred led to the discovery of actual physical  
4 harm or ailments?

5 A No.

6 Q Do you video-record any interior spaces of  
7 the program at Rutland Academy?

8 A Yes.

9 Q What spaces are those?

10 A The classrooms, the hallways -- classroom,  
11 hall -- front office; the multi-purpose room, which  
12 is a gym; the cafeteria; the garden level. Every  
13 area is recorded with the exception of work rooms  
14 and restrooms.

15 Q Do you review video of relevant spaces  
16 after the reporting of incidents of physical  
17 intervention or restraint?

18 A Yes, when needed, when warranted.

19 Q So you don't always review video, but  
20 you -- you review video in select circumstances?

21 A Correct.

22 Q And what are the circumstances that would  
23 lead you to review video?

24 A If a student mentions that something  
25 happened or, you know, "My arm is," you know,

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1 "hurt," or something -- if they mention that there  
2 was a concern that they had, then we always --  
3 always investigate it and look into the -- to the  
4 restraint and also communicate with the parent.

5 Q Were you present for site visits to  
6 Rutland Academy in March of 2022 in which experts  
7 for the United States toured the facility and  
8 observed classrooms?

9 A Yes.

10 Q Did you do anything to prepare for those  
11 site visits?

12 A Yes.

13 Q Did you have any conversations with anyone  
14 on your staff about the visits in advance of the  
15 visits occurring?

16 A Yes.

17 Q Who on your staff did you talk to?

18 A The whole staff.

19 Q What did you tell them?

20 A I let them know that the site visits would  
21 be occurring and that we wanted to make sure that  
22 all the students, you know, just -- just to -- to be  
23 aware that we may have guests in the building and to  
24 continue business as usual, not to do anything  
25 special, just be yourselves. And they were on that

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1 day, for sure.

2 Q Did you put any special maintenance  
3 requests in advance of those site visits?

4 A No, not maintenance requests, no.

5 Q Were there any modifications of any class  
6 schedules or student schedules in anticipation of  
7 those site visits?

8 A No.

9 Q Did you or anyone on your staff have any  
10 conversations with students or their families about  
11 the site visits in advance of the visits occurring?

12 A No. Well, we told the students that there  
13 would be guests coming, but we didn't specify a site  
14 visit or what have you. Just a -- just that guests  
15 may come into the classroom and be yourselves.

16 Q Were any students requested to stay home  
17 on the date that the site visits occurred?

18 A No.

19 Q Did you or anyone on your staff have  
20 conversations with anyone representing the State of  
21 Georgia about the site visits before they occurred?

22 A Representing the State of Georgia? No.

23 Q Did you have any conversations about the  
24 site visits with anyone from the Georgia Department  
25 of Education?



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1 A Yes.

2 Q And who did you have a conversation with?

3 A In the GNETS -- in the -- one of the  
4 directors' meetings, we all just kind of talked  
5 about who was having site visits, when, or if anyone  
6 had got -- knew when they were going to have site  
7 visits. Just the fact -- the dates.

8 Q Mm-hmm. At the time you had those  
9 conversations, had any of the GNETS programs already  
10 had site visits?

11 A Not that I can recall.

12 Q Okay. And that was at a GNETS directors'  
13 meeting?

14 A Yes.

15 Q And were -- was Ms. Cleveland present at  
16 that meeting?

17 A From what I remember, it was just the  
18 GNETS directors, just meeting to talk about, you  
19 know, site visits that were coming up.

20 Q Okay.

21 A It wasn't -- it wasn't official GNETS  
22 directors' meeting with -- with Vickie or LaKeshia.

23 Q Have you had any conversations about the  
24 United States site visits with any attorneys  
25 representing the State of Georgia, either before or

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1 after the site visits?

2 A No.

3 Q Did you have any conversations after the  
4 site visits with anyone from the Georgia Department  
5 of Education or any of the other GNETS directors?

6 A Not any of the -- any of the attorneys  
7 representing Georgia. But some of the GNETS  
8 directors did talk about -- we talked about our --  
9 like, that we had the site visits and how long they  
10 lasted and things of that nature, so yes.

11 Q Okay. Are you familiar with the Apex  
12 program?

13 A I'm not.

14 Q Okay. And I think one final question.  
15 You mentioned i-Ready earlier. Is Rutland required  
16 to use i-Ready for a specific number of minutes each  
17 week?

18 A Yes.

19 (Alarm sounding.)

20 Q (By Ms. Womack) How many minutes is that?

21 A Ninety.

22 Q Okay. And where does that requirement  
23 come from?

24 A The State Department says 45 minutes, ELA;  
25 45 minutes, math.

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1 Q Okay.

2 MS. WOMACK: Can I ask one final question?

3 Q (By Ms. Womack) I have one final  
4 question. You talked about a point sheet earlier,  
5 and I just want to make sure I clarify. Are there  
6 any modifications to the point sheets that you use  
7 for students who are nonverbal or may have  
8 intellectual difficulty understanding complex point  
9 systems?

10 A Yes.

11 Q What are those modifications?

12 A We don't use points. We use smiley faces  
13 or frowny faces.

14 Q Okay.

15 A And sometimes we use chips also so they  
16 can have a physical representation of when they're  
17 doing well.

18 MS. WOMACK: Okay. All right. I think  
19 that concludes my questions. Thank you so much  
20 for your time today.

21 THE WITNESS: You're welcome.

22 MS. WOMACK: Very much appreciate it.

23 THE VIDEOGRAPHER: And we are off the  
24 record at 5:46.

25 (Deposition concluded at 5:46 p.m.)

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C E R T I F I C A T E

STATE OF GEORGIA:

COUNTY OF DEKALB:

I hereby certify that the foregoing transcript was taken down, as stated in the caption, and the questions and answers thereto were reduced to typewriting under my direction; that the foregoing pages 1 through 346 represent a true and correct transcript of the evidence given upon said hearing, and I further certify that I am not of kin or counsel to the parties in the case; am not in the regular employ of counsel for any of said parties; nor am I in anywise interested in the result of said case. The witness did not reserve the right to read and sign the transcript.

This, the 29th day of July 2022.



Susan M. Shaw, CCR# B-1037

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DISCLOSURE

STATE OF GEORGIA:

COUNTY OF DEKALB:

Deposition of CELESTINA NGEVE

Date: July 15, 2022

Pursuant to Article 10.B of the Rules and Regulations of the Board of Court Reporting of the Judicial Council of Georgia, I make the following disclosure:

I am a Georgia Certified Court Reporter. I am here as a representative of Regency-Brentano, Inc.

I am not disqualified for a relationship of interest under the provisions of O.C.G.A. 9-11-28(c).

Regency-Brentano, Inc., was contacted by the offices of Esquire Deposition Solutions to provide court reporting services for this deposition.

Regency-Brentano, Inc., will not be taking this deposition under any contract that is prohibited by O.C.G.A. 15-14-37 (a) and (b).

Regency-Brentano, Inc., has no exclusive contract to provide reporting services with any party to the case, any counsel in the case, or any reporter or reporting agency from whom a referral might have been made to cover this deposition.

Regency-Brentano, Inc., will charge its usual and customary rates to all parties in the case, and a financial discount will not be given to any party to this litigation.

Susan M. Shaw, CCR# B-1037

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